
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
Special Planning Commission Meeting • 66 N. Lassen Street,
Susanville, CA 96130
Thursday, May 12, 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 special April 18, 2022 meeting](#)

4. PUBLIC HEARINGS:

4.A [ConsiderÂ Resolution No. 22-1098 approving the issuance of a Nuisance Abatement Order for 201 Alexander Avenue](#)

4.B [ConsiderÂ Resolution No. 22-1099 approving the issuance of a Nuisance Abatement Order for 765 Shasta Street](#)

4.C [ConsiderÂ Resolution No. 22-1100 approving the issuance of a Nuisance Abatement Order for 10 Santa Paula Street](#)

4.D [ConsiderÂ Resolution No. 22-1101 approving the issuance of a Nuisance Abatement Order for 17 Orange Street](#)

4.E [ConsiderÂ Resolution No. 22-1102 approving the issuance of a Nuisance Abatement Order for 830 Main Street](#)

4.F [Continue discussion from April 26, 2022 to consider Resolution No. 22-1095 approving the issuance of a Nuisance Abatement Order for 67 South Weatherlow Street.](#)

5. NEW BUSINESS:

5.A [Informational Presentation on Nuisance Abatement Orders](#)

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

AGENDA ITEM NO. 3.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Ruth McElrath, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Receive and file minutes of the special April 18, 2022 meeting

PRESENTED BY: Ruth McElrath, Building Permit Technician

SUMMARY: Staff is presenting minutes from the special April 18, 2022 meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Receive and file minutes of the special April 18, 2022 meeting

ATTACHMENTS:
[P.C. 4.18.22 sp. meeting .pdf](#)

Susanville Planning Commission Minutes
Special meeting
April 18, 2022

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

Roll Call: Commissioner DeBoer, Commissioner Robinette, Commissioner Sturgeon, Vice Chair Westbrook and Chair Jambois.

1. PLEDGE:

2. APPROVAL OF THE AGENDA: Motion by Commissioner DeBoer, second by Commissioner Sturgeon to approve the agenda. Motion carries: Ayes: DeBoer, Sturgeon, Robinette, Vice Chair Westbrook and Chair Jambois.

3. BUSINESS FROM THE FLOOR: None

4. CONSENT ITEMS: None

5. PUBLIC HEARING:

A Resolution of the Planning Commission of the City of Susanville recommending to the City Council the repeal and replacement of Ordinance no. 19-1017, Ordinance No. 15-100d, Ordinance No. 05-919 and approval of ordinance no. 22-1033 amending municipal code title 17 (zoning) to add chapter 17.150 to regulate the cultivation, distribution, dispensary/collective, manufacturing, nursery, testing, licensing, fees, and transport of commercial cannabis within the City of Susanville zoning districts and establishing standards for their use.

Mr. Mumper explained staff included a robust ad-hoc committee report, which was presented at a community outreach/joint study session with the Planning Commission and City Council.

City staff prepared a detailed report regarding the legal cannabis industry and how the various types of cannabis activities may look if implemented in the City of Susanville. An analysis was also included of the regulatory framework appropriate for the City if the Council elects to move forward with providing legal cannabis operations to establish businesses within the City limits.

Mr. Mumper presented two zoning and buffer maps showing 200-foot and 600-foot radiuses, explaining state law requirements don't allow certain types of uses within certain distances of libraries, schools, public parks, and legally established day cares.

Manufacturing, testing, and distribution could occur outside of a 200-foot buffer map. Indoor cultivation and cannabis dispensaries would only happen outside of a 600-foot buffer. Mr. Mumper clarified any proposed use would take place indoors.

Commissioner Robinette asked if there is an established business testing marijuana, and a resident moves into the adjacent area and wants to open a daycare, would that person be allowed due to the preexisting ordinance.

Mr. Mumper responded the daycare would have to find an alternate location.

He continued that the C-2 zoning district allows dispensaries as proposed in the ordinance, however, it is not proposing indoor growing in C-2, or along Main St. Potentially grows would pop up in Commercial-Light Industrial (CM) and heavy industrial zoning districts. However, the dog park puts out a significant buffer. Until the City expands and increases zoning stock, there is a limited area where you would see dispensaries, especially indoor grows.

There was discussion regarding the Uptown Business District, with the Headstart preschool program throwing out a significant buffer. Mr. Mumper stated the ordinance is written to cap dispensaries at one in the Uptown Business District.

Commissioner Robinette asked how much the City of Shasta Lake generates in revenues.

Mr. Mumper responded the City has one dispensary that allows for testing and hemp grows. The first year's revenue was \$700,00 and it snow \$1.5 million into the general fund, and it has allowed them to hire more police officers, office staff and code enforcement.

Public hearing opened at 6:52 p.m.

Curtis Bortle, who owns the dispensary in the County, commented that commercial cannabis has been proven to generate revenue for municipalities and counties in the State. It has also been proven to be safe enough given the statistical information from the Department of Justice showing there hasn't been a significant crime in those areas. In addition, the National Institution of Drug Research recently reported there hasn't been an increase in teen and adolescent usage in states that have legalized it. He said those are reasons he believes this is a safe enough approach.

He added the county generates \$120,000 from his store in a full 12-month cycle.

Commissioner Robinette asked how many employees he has.

Mr. Bortle responded he has 12 employees and three managers.

Commissioner Sturgeon asked about people hanging around his store.

Mr. Bortle responded the State requires bonded security guards, so every security person he employs has a guard card.

Commissioner DeBoer stated he drives by the store quite often and it isn't a hang-out, people aren't standing around smoking.

Bill Feirabend, commented he has always said legalize, regulate, and tax. He said the community can use the revenue and you can't regulate something that is not legal.

Benny Morrow said he believed this did not fall within the community's mission statement. He continued this isn't what Susanville wants and added this wasn't the way to go about generating income.

Jolene Bruce spoke against the item stating she did not want a dispensary in her back yard, or her beloved City. She concluded that she agreed with everything Mr. Morrow said.

Public hearing closed at 7:06 p.m.

Motion by Commissioner DeBoer, second by Vice Chair Westbrook to approve Resolution 22-1093. Vote poll: DeBoer - aye, Robinette - aye, Sturgeon - aye, Vice Chair Westbrook – aye, and Chair Jambois - aye.

Mr. Mumper provided a brief summary of the Commission's decision.

Chair Jambois stated he appreciated the input from those in attendance.

6. NEW BUSINESS: There was no new business, but Mr. Mumper took that time to explain the Commission expressed interest in changing the meeting time from 6:30 p.m. to 5:30 p.m. Staff will be bringing forth a resolution, however, due to the volume of code enforcement cases, which are already scheduled. Staff will be bringing the item back at the time of reappointment as there are several seats available.
7. CORRESPONDENCE: None
8. COUNTY REFERRALS: None
9. ADJOURNMENT: Motion by Commissioner Robinette, second by to adjourn at 7:10 p.m.

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: May 12, 2022

SUBJECT: Consider **Resolution No. 22-1098** approving the issuance of a Nuisance Abatement Order for 201 Alexander Avenue

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 201 Alexander Avenue suffered major structural damage due to multiple structure fires over the last several years. The most recent fire occurred on April 2, 2022. The City of Susanville has declared the structure to be a Dangerous Building pursuant to section 15.10.010 of the Susanville Municipal Code. Subsequently, the Susanville Municipal Code declares dangerous buildings to be a public nuisance. Chapter 8.32 of the Susanville Municipal Code provides 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 No. 22-1098** approving the issuance of a Nuisance Abatement Order.

ATTACHMENTS:
[Staff Report - 201 Alexander Avenue.pdf](#)
[Item 4A Exhibit Packet.pdf](#)
[Resolution 22-1098.pdf](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 12, 2022

FILE NUMBER	CE#2022-004		
OWNER	Richard Munoz		
REQUEST	Issuance of a Nuisance Abatement Order for a fire damaged structure.		
ASSESSOR'S PARCEL NO.	107-100-017-000 Lot Size: 2.029 acres		
LOCATION	201 Alexander Avenue		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-1	Residential
	South	C-1	Commercial
	East	R-4	Residential
	West	C-1 OS	Commercial Open Space
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The structure located at 201 Alexander Avenue suffered major structural damage related to multiple structure fires and years of neglect. The City of Susanville has attempted on multiple occasions to gain voluntary compliance from the property owner to secure their building and mitigate any hazards caused by the unsecure structure. The most recent structure fire occurred on April 2, 2022, damaged the structure further and poses a serious threat to public as the walls are unsupported and could topple without warning. The structure has been deemed to be a Dangerous Building and subsequently a public nuisance pursuant to our code.

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.

- Notice of Violation issued by Craig Sanders, City Planner on June 10, 2016
- City of Susanville Invoice # 3323, \$9,103.91 in fire suppression costs due to the property not being properly secured as ordered.
- Susanville Fire Department invoices from August 7, 2017, September 21,

2021, November 20, 2021, and April 2, 2022, for fire suppression costs.

- Notice of Violation issued by Cody Loflin, Code Enforcement on February 11, 2022.
- Notice of Intent to Abate and Notice of Public Hearing issued by Cody Loflin, Code Enforcement on April 13, 2022.

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)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.

- 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(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values if surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, tress, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 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.

Exhibit List

City of Susanville Code Enforcement Hearing Board: Planning Commission

Hearing Date: May 12, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table ParcelQuest Property Information Property Address: 201 Alexander Avenue Name of Property Owner: Richard Munoz	
D	Susanville Fire Department Incident Reports and Invoices Incident # 2022-386 SIFC # 2022-001552 Invoice # 22-002 \$2,587.58 in costs for fire on Apr. 2, 2022 Incident # 2021-1527 SIFC # 2021-007247 Invoice # 22-004 \$147.29 in costs for fire on Nov. 20, 2021 Incident # 2021-1192 SIFC # 2021-005744 Invoice # 22-003 \$280.72 in costs for fire on Sept. 21, 2021 Incident # SIFC # Invoice # AR 3323 \$9,103.91 in costs for fire on Aug. 7, 2017 Letter dated August 29, 2017 relating to fire on Aug. 7, 2017 Incident # 2015-1112 SIFC # 2015-006043	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

E	Notification of Nuisance dated February 11, 2022, with signed Proof of Service by Mail.	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated April 13, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from April 14, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 201 Alexander Avenue	
H	Miscellaneous Documents Notice of Violation from June 10, 2016	
I	Case Photographs Case photographs will be projected upon the display screen and will not be printed to save on resources.	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

201 Alexander Ave

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given <u>no less than 10 days</u> (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.52.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the	20	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

	Hearing 1. City sends a letter to the Responsible Party giving them no less than 10 days (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be no less than 10 days after the abatement period ends. 5. Service must be by posting notice in conspicuous place on or in front of the building, structure or property in question, as well as personal service on responsible party or registered or certified mail	responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time, date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient; (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	Nuisance Abatement Hearing 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.	
4	Decision of Planning Commission 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. <u>Service must be by posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid. 8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.	5	
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CITY OF SUSANVILLE
EXHIBIT 'B'

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ORDINANCE NO. 17-1011
AN ORDINANCE REPEALING AND REPLACING CHAPTERS 1.12 GENERAL PENALTY,
10.22.030 DEFINITIONS, 8.32 ADMINISTRATIVE NUISANCE ABATEMENT AND 8.40
ADMINISTRATIVE CITATIONS AND ADDING CHAPTERS 8.52 PROPERTY
MAINTENANCE, 15.09 NEGLECTED VACANT BUILDINGS AND 15.10 ABATEMENT OF
DANGEROUS BUILDINGS TO THE SUSANVILLE MUNICIPAL CODE

WHEREAS, Susanville City Council has the authority, under its police power, to enact regulation for the public peace, safety, morals and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the Susanville City Council finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the city; and

WHEREAS, the Susanville City Council is committed to protecting the public peace, safety, morals and welfare by providing security and protection to the community from harms and wrongdoings that arise from public nuisances and that certain conditions ; and

WHEREAS, the Susanville City Council has an interest in maintaining the City of Susanville in an orderly and esthetically pleasing condition, to maintain property values and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize 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 finds that City of Susanville's municipal code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City of Susanville proposes amending existing regulations relating to abating public nuisances and recouping the costs related to the enforcement of said regulations as well as adopting new regulations to address the public nuisance stemming from buildings, structures and properties which contribute to neighborhood blight

THE CITY COUNCIL OF THE CITY OF SUSANVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12 General Penalty is hereby repealed and replaced with the following:

1.12 General Penalty

1.12.010 General penalty—Violations.

Civil Actions. The city attorney may bring an action in a court of competent jurisdiction to enjoin a violation of any provision of this code or any other ordinance of the city, or to enforce administrative penalties imposed.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

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- A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance, term, or condition within one year from the date of the first violation, or \$500 for a second violation of a building or safety code within one year from the date of the first violation;
- C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional, violation of the same ordinance, term, or condition within one year from the date of the first violation, or \$1,000 for a third violation of a building or safety code within one year from the date of the first violation;

A second or subsequent violation need only be of the same ordinance, term, or condition to require the larger fine, and need not involve the same personnel or property, provided that the same responsible party is cited. The fine amounts shall be cumulative where multiple citations are issued.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or imprisonment not to exceed six months.

Every day the violation of this code or any other city ordinance continues shall constitute a separate offense.

1.12.020 Recovery of attorneys' fees and costs.

A. In addition to all other remedies and cost recovery authorized or provided by any provision of this code or any other law, any person violating any provision of this code shall be liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such violation or enforce such person's compliance with this code, including recovery of the city's reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an administrative determination or court order against such person. This section does not apply to public nuisance abatement actions for which attorneys' fees are authorized under subsection B of this section.

B. In any action or proceeding brought by the city to abate a public nuisance, the prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding in which the city has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes, interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and any other sum required to be paid under any provision of this code or any other law. Upon giving advance written notice that the debtor will be subject to collection costs if the debtor does not pay the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees and costs associated with the collection of the amount owed regardless of whether the city pursues said collection through litigation or by any other means. As used herein, "costs" include, but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs incurred in the collection action, and those costs set forth in Code of Civil Procedure Section 1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

1 10.22.030 Definitions.

2 As used in this chapter:

3 A. "Highway" means a way or place of whatever nature, publicly maintained or open
to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

4 B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for
mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical
malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of
5 Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but
is not limited to, a vehicle which cannot be legally driven on any public street or other area due to
6 lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any
other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable
7 vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

8 C. "Owner of the land" means the owner of the land on which the vehicle, or parts
thereof, is located, as shown on the last equalized assessment roll.

9 D. "Owner of the vehicle" means the last registered owner and the last legal owner of
record.

10 E. "Public property" does not include "highway."

11 F. "Vehicle" means a device by which any person or property may be propelled,
moved, or drawn upon a highway except a device moved by human power or used exclusively
upon stationary rails or tracks.

12 **Section 3.** Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced
13 with the following:

14 Chapter 8.32 Administrative Nuisance Abatement

15 8.32.010 Purpose.

16 This administrative nuisance abatement process is intended to enable the city to respond
effectively to public nuisances in order to maintain and protect the public peace, safety, welfare
and order and to provide security and protection to the community from harms and wrongdoings.
17 This process makes available an alternative remedy to instituting a civil suit to enjoin public
nuisances by authorizing the administrative body to impose orders and conditions to abate and
18 halt public nuisances.

19 8.32.020 Applicability.

20 A. This chapter provides for administrative abatement of public nuisances, which is
in addition to all other legal remedies, criminal or civil, which the city may pursue to address any
21 public nuisance.

22 B. The use of this chapter shall be at the sole discretion of the city.

23 C. The city may proceed to abate a public nuisance under this chapter against any or
all persons responsible for creating or fostering the creation of the public nuisance, without regard
to whether or not the person owns the property upon which the public nuisance is occurring.

24 8.32.030 Definitions.

25 A. "Hearing Board" means the planning commission of the city of Susanville sitting as
the hearing board of the city of Susanville, or its successor, or such other board or commission of
26 the city that the city council may, by resolution, authorize to perform the functions of the hearing
board under this chapter.

27 B. "Responsible Party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
28 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

any business, company, or entity subject to this chapter; any person or the parent or legal guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit, entitlement, review, or agreement described.

8.32.040 Public nuisance prohibited.

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.

8.32.050 Public nuisance defined.

For purposes of this chapter, a public nuisance means any of the following:

A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:

1. Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code;

2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.

4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:

1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;

2. A failing private sewage disposal system;

3. An unprotected excavation or an abandoned and uncovered well; or

4. A well with a casing not sealed as required by applicable regulations.

C. A condition of real property or a 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:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;

2. An abandoned and dilapidated building or portion of a building; or

3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.

4. The maintenance of property in the city in violation of chapter 8.52 of this code.

5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter 10.22 of this code.

D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:

1. An unfenced or otherwise unenclosed outdoor swimming pool; or

2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
5 nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
6 period expires.

7 8.32.100 Right of entry procedures

8 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
9 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
10 there is reasonable cause to believe that there exists a violation of any provision of such
11 ordinance, resolution or code in any building, or upon any premises, or whenever any
12 enforcement official of the city has reasonable cause to believe that any building or premises is
13 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
14 resolution or code, an enforcement official of the city may enter such building or premises at a
15 reasonable time to inspect the same and to perform any duty imposed upon such official by any
16 provision of such ordinance, resolution or code. However, except in emergency situations, when
17 consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
18 enforcement official shall give notice as follows:

19 1. If the building or premises is occupied, the enforcement official shall first present to
20 the occupant city-issued credentials that include the enforcement official's name, position, title,
21 and photograph. The enforcement official shall then request entry at a time convenient to the
22 occupant within 24 hours of the time of the request;

23 2. If the building or premises is unoccupied, the enforcement official shall first make a
24 reasonable effort to locate the owner or other person having charge or control of the building or
25 premises, and if located, the enforcement official shall present credentials to the owner or other
26 person and then request entry at a time convenient to such owner or other person, but within 48
27 hours of the entry request;

28 3. If the owner or other person is located outside of the city, the enforcement official may
notify that person by telephone or letter, and in doing so shall transmit sufficient information to
identify the enforcement official's capacity to the owner or other person and may request entry at
a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

If entry is refused by the occupant, the owner, or other person having charge or control of the
building or premises, or the enforcement official, after making a reasonable effort, cannot locate
the owner, or other person having charge or control of the building or premises, so as to request
entry, then the enforcement official may seek and obtain an administrative inspection warrant
pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

B. Any enforcement official of the city or a duly authorized representative or agent of the
city may enter upon a property to access the exterior of the building or structure for the purpose
of posting or serving notice.

8.32.110 Service of notices and order to abate.

Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
or other items as required under this chapter shall be made by posting a notice in a conspicuous
place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

11 8.32.200 Record of cost for abatement; notice of cost hearing.

12 The city finance manager, the enforcement official or such other city official as may be
13 designated shall keep an account of all costs incurred by the city in abating nuisances on each
14 separate lot or parcel of land where the work is done and shall render a written itemized report to
15 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
16 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
17 demolition or removal of said premises, building or structures, including any salvage value relating
18 thereto and any incidental expenses; provided that before said report is submitted to said city
19 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
20 with a notice of the time when said report shall be heard by the City Council for confirmation; a
21 copy of said report and notice shall be served upon the owners of said property, in accordance
22 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
23 the same to the city council; proof of said posting and service shall be made by affidavit filed with
24 the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
25 expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
26 preparation of specifications the preparation and award of contracts, all costs of inspecting any
27 work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
28 of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

22 8.32.210 Cost report – Hearing and proceedings.

23 At the time and place fixed for receiving and considering the cost report, the city council
24 shall receive, hear and consider the report, together with any other relevant evidence, objections,
25 protests or testimony. Thereupon, the Council may make such revision, correction or modification
26 to the report as it may deem just after which, by resolution, the details of the report, as submitted
27 or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
28 expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
- Commencement of foreclosure action.

27 When directed to do so by the city council, the city attorney shall commence an action in
28 a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
to accrue on the date the nuisance abatement order has been complied with as determined by
the city attorney or the board.

11 D. Penalties assessed by the board shall be due by the date specified in the nuisance
12 abatement order.

13 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
14 against the subject real property.

15 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
attorney that the nuisance abatement order has been complied with and if the city attorney finds
that compliance has been achieved, the date that the written notice was postmarked or personally
17 delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
shall be deemed to be the date of compliance with the nuisance abatement order.

18 8.32.300 Violations.

19 A. Any responsible party who maintains any public nuisance defined in this chapter and
who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
20 be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
or with any person who owns, leases, occupies or has charge or control over any building,
25 structure or property when any of the aforementioned individuals are lawfully engaged in
proceedings involving the abatement of a nuisance under this chapter may be charged with either
26 an infraction or a misdemeanor.

27 8.32.310 Interest.

1 Any person who fails to remit payment to the city of any penalty, cost or any other charge
2 required to be paid to the city pursuant to a nuisance abatement order under this chapter on or
3 before the date the penalty, cost or other charge is due shall, in addition to the amount of the
4 penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum,
pro-rata, from the date on which the amount due first became delinquent until the date that
payment is received by the city.

5 **8.32.320 Report of compliance after nuisance abatement order.**

6 If the enforcement official determines that compliance with the nuisance abatement order
7 has been achieved, the enforcement official shall file a report with the city clerk acting as secretary
of the hearing board indicating that compliance has been achieved and the date of the city's final
inspection of the subject property.

8 **8.32.330 Compliance dispute.**

9 A. If the enforcement official does not file a report pursuant to Section 8.32.340, a
10 person subject to the nuisance abatement order who believes that compliance has been achieved
may request a compliance hearing before the hearing board by filing a request for a hearing with
the secretary of the board.

11 B. The hearing shall be noticed and conducted in the same manner as a hearing on
an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

12 C. The hearing board shall determine if compliance with the nuisance abatement
order has been achieved and, if so, when it was achieved.

13 **Section 4.** Chapter 8.40 Administrative Citations is hereby repealed and replaced with the
14 following:

15 **CHAPTER 8.40 Administrative Citations**

16 **8.40.10 Purpose.**

17 This chapter provides for administrative citations in addition to all other civil remedies and
18 as an initial alternative to any criminal remedy which may be pursued by the city to address any
19 violation of this code. The use of this chapter shall be at the sole discretion of the city. The use
of any other enforcement proceedings provided for by this code shall not be considered a
prerequisite for the use of this chapter, nor shall the use of this chapter be considered a
prerequisite for the use of any other enforcement proceedings.

20 A. The City Council hereby finds that an appropriate method of enforcement is the
21 imposition and collection of administrative fines as independently authorized by both California
Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section
53069.4.

22 B. The City Council further finds and determines that enforcement of the Susanville
23 Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements,
permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the
24 police power is a matter of public health, safety and welfare and serves important public purposes.
The City of Susanville adopts this administrative citation program in order to achieve the following
goals:

- 25 1. To protect the public health, safety and welfare of the City and its citizens;
26 2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and
27 regulations of the City enacted pursuant to its police powers, and the conditions of approval of
28 permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers
in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
11 entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
environmental review, or any term or condition of any agreement with the City made pursuant to
14 the police power may be issued an administrative citation by an enforcement official as provided
in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
violations of that code and all uncodified ordinances. A violation of a condition of approval of a
15 permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
16 specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
right-of-way permit. A violation of a condition of approval of an environmental review includes,
17 but is not limited to, any environmental impact report, mitigated negative declaration, negative
declaration, or determination of categorical exemption. A violation of a term or condition of any
18 agreement with the City made pursuant to the police power includes, but is not limited to, any
development agreement, owner participation agreement, disposition and development
19 agreement, road maintenance agreement, any easement, license, or other real property use
agreement, or any agreement made with the city to implement any ordinance, plan, permit,
20 entitlement, or review approved by the City.

21 B. Each and every day a violation exists constitutes a separate and distinct offense.
22 A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
26 administrative citation until the responsible party for a violation has first been given notice of the
violation and an opportunity to correct the violation, in accordance with the procedures set forth
27 in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
28 of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
17 chapter shall be deemed served when made in writing and either personally delivered to the
18 responsible party for the violation or deposited in the United States mail, first class postage
19 prepaid, addressed to such responsible party at their last known address. However, if a citation
20 or notice is required to be served on the owner of property, it shall be deemed served when made
21 in writing and deposited in the United States mail, addressed to the owner at the owner's address
as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
addition, the administrative citation shall be posted on the real property that is the subject of the
violation. Service of a citation or notice by mail in the manner provided for by this section shall be
effective on the date of mailing, and the failure of any person to actually receive any citation or
notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
24 electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
of this code, the enforcement official shall issue a written notice of violation to any responsible
25 party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 26 A. The date and location that the violation was observed;
- 27 B. The section of this code violated and a description of the violation;
- 28 C. The actions required to correct the violation;
- D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

1
2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

8 E. If the finance manager determines not to issue an advance deposit hardship
9 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
decision.

10 F. The finance manager shall issue a written determination listing the reasons for his
11 or her determination to issue or not issue the advance deposit hardship waiver. The written
determination of the finance manager shall be final and shall be served upon the person who
applied for the advance deposit hardship waiver.

12 8.40.120 Hearing Board.

13 The "hearing board" for administrative citations shall be the same as defined in section
8.32.030 of this code.

14 8.40.130 Hearing procedure.

15 A. No hearing to contest an administrative citation before the hearing board officer
shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

16 B. A hearing before the hearing board officer shall be set for a date that is not less
17 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
is filed in accordance with the provisions of this chapter.

18 C. At the hearing, the administrative citation and any written report submitted by the
19 enforcement official shall constitute prima facie evidence of the respective facts contained in the
citation. Both the party contesting the administrative citation and the enforcement official shall be
20 given the opportunity to testify and to present additional evidence concerning the administrative
citation. Such evidence may include the testimony of other witnesses, or the introduction of
21 documents or other evidence. Such testimony, written documents, or other evidence sought to
be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
22 it shall be relevant and material to the issues of whether the violation alleged in the citation
occurred and whether the person cited committed, caused or was responsible for the violation.
23 Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
accordance with the fundamentals of due process. The hearing board may limit the total length of
24 the hearing to one hour, and shall allow the appellant at least as much time to present its case as
is allowed the city.

25 D. The failure of any recipient of an administrative citation to appear at the
administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

26 E. The administrative citation and any additional report submitted by the enforcement
27 officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

1
2 8.40.180 Procedural compliance.

3 Failure to comply with any procedural requirement of this chapter, to receive any notice or decision
4 specified in this chapter, or to receive any copy required to be provided by this chapter shall not
5 affect the validity of proceedings conducted hereunder unless the responsible party is denied
6 constitutional due process thereby

7 **Section 5.** Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code
8 as follows:

9 Chapter 8.52 Property Maintenance

10 8.52.010 Purpose and Intent of chapter.

11 It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to
12 any other remedy available by law or equity, whereby lands or buildings which are dilapidated,
13 unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles,
14 machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health,
15 morals, property values, aesthetic standards, or the general welfare of the city, may be required
16 to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive
17 conditions.

18 Additionally the purpose of this chapter is to provide minimum standards for the maintenance of
19 property in the city. Where this chapter imposes a greater restriction upon property or structures
20 thereon than is imposed or required by existing provisions of law, ordinance, contract or deed,
21 the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate,
22 annul or in any way impair or interfere with existing provisions of other laws or ordinances or with
23 private restrictions placed upon property by covenant, deed or other private agreement or with
24 restrictive covenants running with the land to which the city is a party.

25 8.52.020 Responsibilities for property maintenance.

26 Every owner, lessee, occupant or person having charge or control of buildings, structures or
27 property within the city is required to maintain the buildings, structures or property in a manner so
28 as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having
charge or control of the building, structure or property remains liable for violations hereof
regardless of any contract or agreement with any third party regarding the same. The duty
imposed by this section on an owner shall in no instance relieve those other persons referred to
herein from the same duty.

8.52.030 Classification of nuisances.

The following acts and conditions, when performed or existing upon any lot or parcel of land within
the city, are declared to be unlawful and are defined as and declared to be public nuisances which
are injurious or potentially injurious to the public health, safety and welfare, which have a tendency
to degrade the appearance and property values of surrounding property and/or which cause
damage to public rights-of-way:

A. Structures or buildings, both permanent and temporary, or other lot improvements
including buildings or sheds exempt from obtaining a building permit, which are subject to any of
the following conditions:

1. Faulty weather protection, including, but not limited to, the following:

- 1 a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding
2 of any kind, roofs, foundations or floors;
3 b. Broken, damaged or missing windows or doors; and
4 c. Painted or unpainted surfaces suffering from dry rot, warping or termite
5 infestation;
6 2. Building or structures which are under construction or rehabilitation and are not
7 completed within a reasonable time or whose building permit for such construction or
8 rehabilitation has expired;
9 3. Fences or walls which are in a hazardous condition, which are in disrepair or which
10 hinder free access to public sidewalks or rights-of-way or are maintained in such a
11 condition to have a tendency to degrade the appearance and property values of
12 surrounding property. All fencing, including gates shall be maintained in sound condition
13 free of damage, breaks, or missing structural members. Areas that are leaning, buckling,
14 sagging, or deteriorating shall be repaired or replaced with material compatible with the
15 undamaged portions of the fence. Where fencing has been painted and it shall be
16 maintained and kept free of chipping, peeling, scaling or missing paint;
17 4. Substantial deterioration of porches, landings, patios, stairways or guardrails which,
18 although not otherwise constituting an unsafe structure as defined in this code, are visible
19 from public rights-of-way or neighboring properties and are injurious or potentially injurious
20 to the public health, safety and welfare or have a tendency to degrade the appearance
21 and property values of surrounding property;
22 5. Broken or defective elements of a building, structure, parking lot or landscaped area
23 which are injurious or potentially injurious to the public health, safety and welfare or have
24 a tendency to degrade the appearance and property values of surrounding property;
25 6. Litter, debris or abandoned personal property scattered in the interior of a vacant or
26 unoccupied building or structure in such a manner as to create a fire hazard, health hazard
27 or other condition which is injurious or potentially injurious to public health, safety and
28 welfare;
- B. Vegetation, trees, landscaping or other plant materials which are subject to any of
the following conditions:
1. Overgrown or in such a condition that they are or are likely to:
- a. Harbor rats, vermin or other vectors;
b. Provide a harboring place for vagrants or other persons;
c. Which encroaches into, over, or upon any public right-of-way, including, but not limited
to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or
property or any impediment to public travel; or
d. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
e. Create a fire hazard as determined by the fire chief or duly authorized agent.
2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely
to:
- a. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
b. Create a fire hazard or health hazard;
- C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational
vehicles, wood splitters or other similar vehicles and equipment on residentially used property is
prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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 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;

- 1 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal,
2 tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling
3 containers or as may be permitted by this code or the zoning classification of the property;
- 4 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
5 of Chapter 10.22 of this code;
- 6 7. Outdoor storage or scattering of materials, equipment or other items on residentially
7 used property which is not typically associated with such use, which is inconsistent with
8 the zoning classification of the property and which creates a fire hazard or health hazard
9 or which is otherwise injurious or potentially injurious to the public health, safety and
10 welfare;
- 11 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 12 F Packing boxes or similar storage containers which are stored in yards or unenclosed
13 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
14 are otherwise injurious or potentially injurious to the public health, safety and welfare;
- 15 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
16 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
17 public property;
- 18 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
19 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
20 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
21 paved driveway if a paved driveway has been developed on the property or on an existing gravel
22 driveway if the property was developed prior to the requirement for a paved driveway;
- 23 I. To allow or permit graffiti to remain on any building, fence, wall, structure, sign or
24 vehicle when visible to the public street, highway, right-of-way or public place for more than 1
25 week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure,
26 mark or design that is written, marked, etched, scratched, drawn or painted on any surface in
27 violation of this code or other state or local law;
- 28 J. Signs constructed, erected or maintained in violation of the provisions of Chapter
17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition
or its location, is injurious or potentially injurious to the public health, safety and welfare or has a
tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any
purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.
- 8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
10 are a major cause and source of blight in both residential and nonresidential neighborhoods,
11 especially when the owner of the building fails to actively maintain and manage the building to
12 ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
13 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
14 occupation. The use of vacant buildings by transients, who may employ primitive cooking or
heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
15 buildings, whether or not those buildings are boarded, discourage economic development and
16 retard appreciation of property values. It is the responsibility of the owner to prevent owned
17 property from becoming a burden to the neighborhood and community, and a threat to the public
18 health, safety and welfare.

19 The City Council also finds that because of the potential economic and public health,
20 safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
21 buildings so that they do not become attractive nuisances, are not used by vagrants or
22 trespassers, are properly secured and maintained, and do not become a blighting influence in the
neighborhood. City departments involved in such monitoring include the police department, fire
23 department, planning and building division and engineering division. There is a substantial cost
24 to the city for monitoring vacant buildings which should be paid by the owners of the vacant
25 buildings. The city has established the vacant building monitoring program to accomplish this
26 purpose.

27 The purpose of this chapter is to require that vacant dwellings and buildings within the
28 incorporated limits of the City of Susanville are maintained to certain minimum standards and
suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
appreciable periods of time do not become public nuisances.

15.09.020 – Remedies for violation.

A building that is vacant or vacant and boarded in violation of this chapter is a public
nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

The remedies, procedures and penalties provided by this chapter are cumulative to each other
and to any others available under state law or other city ordinances. The imposition of a vacant
building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.

Any person violating the provisions of this chapter may be charged with either an infraction for each day such violation continues or with a misdemeanor. In addition to the remedies provided herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

15.09.030 - Vacant and neglected vacant building.

A. "Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied or occupied by unauthorized persons. The definition includes without limitation, buildings or structures of any nature intended for human habitation, occupation or use and includes manufactured housing or mobile homes. A neglected vacant building is a vacant building which is not maintained in accordance with the provisions of this chapter.

B. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if:

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant materials in good condition;

b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;

c. Regular removal of all exterior trash, debris and graffiti;

d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;

e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant building to maintain, or cause or permit the maintenance of the vacant building as a neglected vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition which does not create a hazard to public health or safety.

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2 15.09.060 - Fire safety standards.

3 A. All vacant buildings shall be maintained in a manner which does not create an
4 unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which
5 may constitute a fire hazard.

6 B. No vacant building or portion thereof shall be used for the storage of hazardous,
7 combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

8 C. Heating facilities maintained in accordance with applicable codes. If heating
9 equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in
10 accordance with applicable codes and ordinances and the water supply to the building turned off
11 to prevent burst water pipes in freezing weather conditions.

12 D. The street address of the building shall be posted and shall be visible from the
13 street.

14 15.09.07 - Security standards.

15 A. All vacant buildings shall be maintained in a way which secures it from any
16 unauthorized entry.

17 B. The owner or responsible agent of a vacant building which has remained
18 unoccupied for a period of more than thirty days and which has suffered from vandalism, broken
19 windows, broken doors or which had an unauthorized entry must repairs such damage within 15
20 days of becoming aware of such damage. Alternately, the owner or responsible agent may
21 provide security which is adequate to prevent further deterioration and/or unauthorized entry for
22 a time period of up to 6 months. After 6 months the building must un-boarded and actively
23 maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly
24 monitoring fee described in section 15.09.120 shall be applied to the property.

25 Methods of securing the building or structure must meet or exceed the following minimum
26 standards or equivalent standards as determined by the city building official.

27 1. Windows. Windows and similar openings shall be boarded with exterior grade
28 plywood of minimum thickness three-fourths inch (to be consistent with door security
standards) or its equivalent. Vent holes may be required, as deemed necessary by the
building official. The plywood shall be secured in place, as a minimum standard, by a set
of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center
vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large
washers at each end. Bolts used to secure the cross member shall be threaded to the
correct length. A minimum of two such cross members shall be used on each window.
Each cross member shall be a continuous piece of lumber, and each should extend
approximately one foot past the window opening in each direction unless interior condition
limit such extension. Bolts and nuts used to secure the cross members to the plywood
must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against
the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the
interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and
into each unit of the building. If an existing door is operable but lacks an operable locking
mechanism it may be used and secured with a suitable lock such as a hasp and minimum

1 two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-
2 half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and
3 frame(s) have been damaged, the main exterior (required) residential exit door(s) and all
4 commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum
5 thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum
6 one-eighth-inch clearance at each edge from the door jambs and threshold. The existing
7 door should be removed. The plywood shall, as a minimum standard, be attached to three
8 Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-
9 eighths-inch carriage bolts and matching hardware, with nuts located on the interior side
10 of the structure. The plywood shall be attached to the door entry with three case-hardened
11 strap hinges located at quarter points and the plywood shall be secured by two case-
12 hardened steel hasps located at third points on the strike side of the door and minimum
13 two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall
14 be the nonreversible type that do not give a purchase for pliers or pry bars. All other
15 unsecured residential doors providing exterior access shall be removed and be secured
16 in the same fashion as windows noted above.

17 3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing
18 pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked
19 with the existing garage lock or a newly installed one. In an attached garage it is
20 acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-
21 four lumber through the overhead mechanism on the inside of the door. The two-by-four
22 shall be long enough to go through both sides of the mechanism or shall be nailed in place
23 on the inside so that it cannot fall out. Secondary garage entrances to the outside of the
24 garage shall be secured with strong-backed plywood as described for windows above.
25 Access doors between the house and attached garage need not be boarded. Detached
26 garages shall be secured as separate structures.

27 4. All materials used to cover and secure window door or other openings shall be
28 painted to match or complement the color of the main structure.

5. The property owner shall obtain a building permit for work done under this section and
an inspection of the work shall be performed by the city.

15.09.080 - Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris,
combustible materials, litter and garbage.

15.09.090 - Appearance.

A. All vacant buildings must be maintained in a manner which minimizes the
appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this
code.

B. All exterior surfaces, including any boarded windows or doors shall be applied with
sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a
sufficient appearance of repair. If the building is subject to an existing use permit all conditions
related to maintenance of the exterior of the structure or parcel on which the building is located
shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept
in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
11 chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
12 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
13 building is in violation of this chapter. The fee shall be payable as to any building, residential or
14 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

15 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
16 owner of the property. Notice shall be served either personally, by first class mail, or by certified
17 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
18 known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
19 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
20 monitoring program. The hearing board may waive the fee and enrollment if the property owners
21 can show that that any of the conditions listed in section 15.09.030 B.3 are applicable to the
22 building or structure. The owner shall provide substantial evidence supporting the grounds for the
23 waiver. After conducting the hearing and finding that the property is subject to the vacant building
24 monitoring program, the hearing board shall direct that a bill be sent to the property owner with
25 the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
26 that notice shall constitute enrollment in the vacant building monitoring program.

27 D. The owner of a vacant building shall not allow or cause any use of the property or
28 any buildings thereon unless the property owner has first corrected the violations which caused
placement into the program and has paid the required quarterly monitoring fee, as well as any
other penalties or fines owed to the city.

E. Within 15 days of the decision by the hearing board to bill for the vacant building
monitoring program fee, the city administrator or his/her designee shall file in the office of the
county recorder a notice that the building is subject to the vacant building monitoring program fee
and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

1 15.10.040 Scope.

2 This chapter shall apply and govern in those situations where insufficient time exists due
3 to imminent threat of substantial danger to the public health, safety and welfare to invoke the
4 procedures of notice and hearing provided for in the California Building Code, Uniform Housing
5 Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
6 adopted by the City of Susanville Municipal Code.

7 15.10.050 Definition.

8 The term "dangerous structure" as used in this chapter means any building which is
9 considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
10 criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
11 the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
12 threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
13 also means any other structure, whether man-made or a condition of nature, which presents an
14 imminent threat of substantial danger to public health, safety and welfare. Such threat may be

1 presented by, but is not limited to, situations where a structure, or some part thereof, is likely to
2 collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure
3 falling within the definition of "dangerous structure" under is declared a public nuisance.

4 15.10.060 Determination of condition—Order of abatement.

5 The city administrator, with the advice of the building official and such other persons he or
6 she chooses to consult, shall make the determination whether a structure constitutes a
7 "dangerous structure" as hereinabove defined. As an exception to this procedure, the building
8 official is hereby authorized to make said determination in those circumstances where, in his sole
9 discretion, he concludes that an emergency situation exists requiring immediate abatement and
10 that delay to consult with the city administrator would cause substantial risk to public health, safety
11 and welfare. Summary abatement, without the necessity of prior notification to anyone other than
12 occupants of the structure, may be immediately ordered by the city administrator or the building
13 official, whichever has made the determination that a dangerous structure exists. In the event the
14 building official has made the determination and ordered summary abatement, he shall
15 immediately thereafter report to the city administrator as to the situation. If summary abatement
16 is to be accomplished by contract, the building official need not obtain formal bids but may award
17 the contract on the basis of informal solicitations.

18 15.10.070 Effect on existing law.

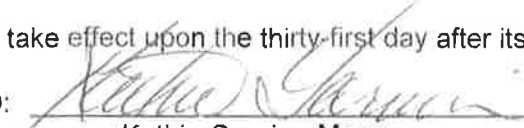
19 Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any
20 power or authority for ordering summary abatement of dangerous and hazardous conditions
21 invested in the City of Susanville fire chief under the California Fire Code or other provisions of
22 law.

23 **Section 8.** The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be
24 published at least once in the Lassen County Times, an adjudicated newspaper of general
25 circulation, published and circulated within the City.

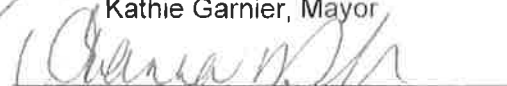
26 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
27 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
28 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
declared that this Ordinance and each section, subsection, clause and phrase hereof would have
been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or
more other sections, subsections, sentences, clause or phrases be declared invalid or
unconstitutional.

Section 10. This Ordinance shall take effect upon the thirty-first day after its final passage.

APPROVED:


Kathie Garnier, Mayor

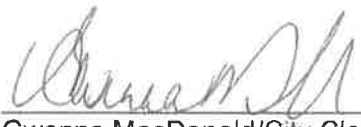
ATTEST:


Gwenna MacDonald /City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	Notification of Nuisance 1. Manner Served: FIRST CLASS MAIL 2. Served On: RICHARD MUNOZ 3. Date of Service: FEBRUARY 11, 2022 4. Compliance Deadline Stated in Notice: MARCH 15, 2022	10 <i>ca</i>	32 <i>ca</i>	2-11-22 <i>ca</i>	3-15-22 <i>ca</i>	4-1-22 <i>ca</i>
2	Notice of Intent to Abate and Notice of Public Hearing 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: APRIL 13, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): MAY 1, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 12, 2022 5. Date Notice Posted at Property: APRIL 13, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: APRIL 13, 2022	20 <i>ca</i>	29 <i>ca</i>	4-13-22 <i>ca</i>	5-1-22 <i>ca</i>	5-12-22 <i>ca</i>
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 12, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	<i>ca</i>	<i>ca</i>	<i>ca</i>	<i>ca</i>	<i>ca</i>
4	Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	10 Days from Compliance <i>ca</i> 5	11 <i>ca</i>	4-13-22 <i>ca</i>	5-12-22 <i>ca</i>	5-13-22 <i>ca</i>
5	Appeal Abatement Order 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address:

201 Alexander

Owner's Name:

Richard Munoz

Phone No.:

Tenant ☐ Yes or ☒ No

Burned - RED TAG



LIST 1
DETAIL

☒ 1 Property Address:

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-100-017-000**
 Parcel Status: **ACTIVE**
 Owner Name: **MUNOZ RICHARD W.**
 Mailing Address: **8500 OAK HARBOUR CT. FAIR OAKS CA 95628**
 Legal Description:

Assessment

Total Value: \$61,832	Use Code: N1NX	Use Type: RESID. SINGLE FAMILY
Land Value: \$37,169	Tax Rate Area: 001-000	County Zoning:
Impr Value: \$24,663	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$797.50	Price/SqFt:
% Improved: 39%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				01/01/2020
Document Number:				2020R0425758
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms: 5	Fireplace:	Units:
Baths (Full): 2	A/C:	Stories:
Baths (Half):	Heating:	Quality: 5.5
Total Rooms:	Pool:	Building Class: D
Bldg/Liv Area: 1,685	Park Type:	Condition:
Lot Acres: 2.029	Spaces:	Site Influence:
Lot SqFt: 88,426	Garage SqFt:	Timber Preserve:
Year Built: 1950		Ag Preserve:
Effective Year: 1950		


☐ 87 Property Address:

Ownership

County: **LASSEN, CA**
 Assessor: **DANIEL SCHLUETER, ASSESSOR**
 Parcel # (APN): **107-100-17-11**
 Parcel Status: **ACTIVE**
 Owner Name: **MUNOZ RICHARD W.**
 Mailing Address: **8500 OAK HARBOUR CT. FAIR OAKS CA 95628**
 Legal Description:

Assessment

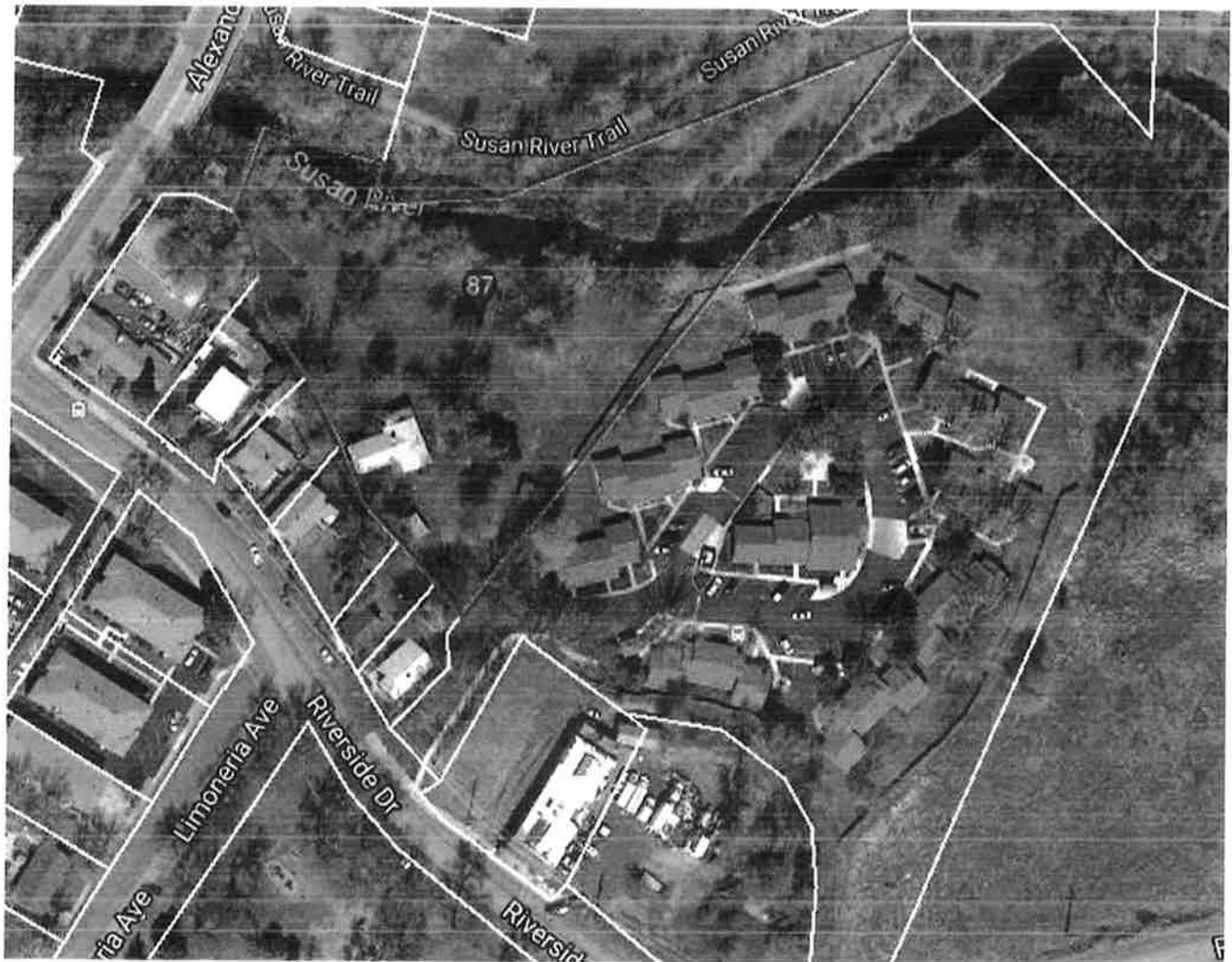
Total Value:	\$112,732	Use Code:	N1NX	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$33,988	Tax Rate Area:	001-000	Zoning:	
Impr Value:	\$78,744	Year Assd:	2016	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	69%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:	0425-758			0425-758
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	5	Fireplace:	Units:	1
Baths (Full):	2	A/C:	Stories:	1.0
Baths (Half):		Heating:	Quality:	
Total Rooms:		Pool:	Building Class:	
Bldg/Liv Area:	1,685	Park Type:	Condition:	
Lot Acres:	2.029	Spaces:	Site Influence:	
Lot SqFt:	88,426	Garage SqFt:	Timber Preserve:	
Year Built:	1950		Ag Preserve:	
Effective Year:				



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Map data ©2017 Google Imagery ©2017, DigitalGlobe, USDA Farm Service Agency

CITY OF SUSANVILLE
EXHIBIT 'D'



**Susanville Fire
Department**

Station: **1**
Shifts Or Platoon: **A Shift**

Location: 201 Alexander DR Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 24' 44.91" W 120° 38' 59.81"	FDID: 18035 Incident #: 2022-386 Exposure ID: 65293297 Exposure #: 0 Incident Date: 04/02/2022 Dispatch Run #: 2022-001552
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Not Completed		
Report Reviewed by:	Not Reviewed		
Report Printed by:	Ratkey, Cheyenne	ID:	Date: 4/8/2022 Time: 09:56

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling		
Automatic Extinguishment System Present: ☐	Detectors Present: ☐	Cause of Ignition: Unintentional	
Aid Given or Received: None	Primary action taken: 11 - Extinguishment by fire service personnel		
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 5		Total # of personnel on call: 10	

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)
Narrative Title: Vacant Structure Fire Narrative Author: Brown, Robert Narrative Date: 04/03/2022 12:15:41 Narrative Apparatus ID: E-621 Narrative: 04/02/2022 E-621,C-600,C-601,T-1,E-623 responded to a reported structure fire located at the entrance of 1625 Riverside Dr, the structure is abandon and used by transients, The structure had heavy flame and smoke coming from approx 80% of the structure. E-621 established Riverside IC and proceeded to protect nearby espousers, a water supply was established and all incoming units were assign defensive tactics, T-1 was set up for its aerial capability and a master stream was used. One one was seen near or in the structure upon arrival, the fire was contained to the structure and no nearby buildings or houses were threaten. The fire was extinguished and over completed, all units were release and Riverside IC was terminated. The cause of the fire was undetermined, the structure is know to occupy many transients, the area was not secured or boarded up. Captain R Brown #604

City of Susanville
Fire Department



1505 Main Street
Susanville, California 96130
Phone: (530)257-5152
Email: Fire@cityofsusanville.org

INVOICE

Date: 4/12/2022

Invoice #: 22-002

For: 201 Alexander Ave. Unsecured
Structure Fire on April 2, 2022

Bill To: Richard Munoz

8500 Oak Harbour Court
Fiar Oaks, CA 95628
Phone:

DESCRIPTION	Quantity	Hours	Pay	AMOUNT
Chief	1	2.2	\$70.41	\$154.90
Assistant Chief	1	2.2	\$44.82	\$98.60
Captain	2	2.2	\$41.88	\$184.27
Engineer	1	2.2	\$31.35	\$68.97
Volunteer	6	2.2	\$20.00	\$264.00
Engine 621	1	3.2	\$141.96	\$454.27
C-600/ C-601	2	2.52	\$19.97	\$100.65
Ladder T-661	1	2.2	\$180.49	\$397.08
Engine 623	1	2.2	\$141.96	\$312.31
Make all checks payable to City of Susanville. If you have any questions concerning this invoice, contact the Susanville Fire Department			SUBTOTAL	\$2,035.06
			TAX RATE	7.25%
			SALES TAX	\$147.54
			ADMIN RATE	19.90%
			ADMIN FEE	404.98
			TOTAL	\$2,587.58



Susanville Fire Department

Station: **1**
Shifts Or Platoon: **A Shift**

Location: 1625 Riverside RD Susanville CA 96130	Incident Type: 143 - Grass fire
Lat/Long: N 40° 24' 44.91" W 120° 38' 59.81"	FDID: 18035 Incident #: 2021-1527 Exposure ID: 62663749 Exposure #: 0 Incident Date: 11/29/2021 Dispatch Run #: 2021-007247
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Brown , Robert H	ID:	Date: 12/02/2021
Report Reviewed by:	Brown , Robert H	ID:	Date: 12/02/2021
Report Printed by:	Ratkey, Cheyenne	ID:	Date: 4/12/2022 Time: 13:21

Structure Type:	Property Use: 931 - Open land or field		
Automatic Extinguishment System Present: ☐	Detectors Present: ☐	Cause of Ignition: Intentional	
Aid Given or Received: None	Primary action taken: 17 - Manage prescribed fire (wildland)		
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 1		Total # of personnel on call: 2	

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)
Narrative Title: control burn Narrative Author: Brown, Robert Narrative Date: 12/02/2021 15:48:40 Narrative Apparatus ID: E-621 Narrative: 11/29/2021 E-621 responded to a reported grass fire, upon arrival E-621 found it to be from a control fire, some hot spots were present, hot spots were extinguished and E-621 was cleared from incident. Captain R Brown #604

Member Making Report (Captain Robert H Brown): _____

Incident Reviewer (Captain Robert H Brown): _____



City of Susanville
Fire Department



1505 Main Street
Susanville, California 96130
Phone: (530)257-5152
Email: Fire@cityofsusanville.org

INVOICE

Date: 4/12/2022
Invoice #: 22-004
For: 201 Alexander Ave. Unsecured Grass
Fire on November 29, 2021
Bill To: Richard Munoz
8500 Oak Harbour Court
Fiar Oaks, CA 95628
Phone:

DESCRIPTION	Quantity	Hours	Pay/ Hour	AMOUNT
Captain	1	0.38	\$41.88	\$15.91
Engineer	1	0.38	\$31.35	\$11.91
Engine 621	1	0.62	\$141.96	\$88.02
Make all checks payable to City of Susanville. If you have any questions concerning this invoice, contact the Susanville Fire Department				SUBTOTAL
				\$115.84
				TAX RATE
				7.25%
				SALES TAX
				\$8.40
				ADMIN RATE
				19.90%
				ADMIN FEE
				23.05
				TOTAL
				\$147.29



Susanville Fire Department

Station: **1**
Shifts Or Platoon: **C Shift**

Location: 1625 Riverside DR Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 24' 44.91" W 120° 38' 59.81"	FDID: 18035 Incident #: 2021-1192 Exposure ID: 61134191 Exposure #: 0 Incident Date: 09/21/2021 Dispatch Run #: 21-5744
Zone: 1 - Within City Limits Location Type: 5 - Adjacent to	

Report Completed by:	Myers, Leon Curtis Earl	ID: 614	Date: 11/08/2021
Report Reviewed by:	Hernandez, Tom	ID: 601	Date: 11/23/2021
Report Printed by:	Ratkey, Cheyenne	ID:	Date: 4/12/2022 Time: 13:23

Structure Type: Enclosed building	Property Use: 400 - Residential, other
Automatic Extinguishment System Present: ☐	Detectors Present: ☐ Cause of Ignition: Cause undetermined after investigation
Aid Given or Received: None	Primary action taken: 11 - Extinguishment by fire service personnel
Losses Property: Contents: Total:	Pre-Incident Values Property: Contents: Total:
Civilian Injuries: 0	Fire Service Injuries: 0
Civilian Fatalities: 0	Fire Service Fatalities: 0
Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 3	Total # of personnel on call: 5

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)
Narrative Title: Structure Fire Narrative Author: Myers, Leon Narrative Date: 10/03/2021 12:43:28 Narrative Apparatus ID: T-661 Narrative: On 09/21/2021 at approximately 16:16 Engine 621 responded to the vacant property adjacent to 1625 Riverside Dr. Upon arrival the engine crew observed a small amount of smoke coming from an open window. The fire was contained to a small rubbish pile in a sub-grade room and the area involved was approximately 2ft x 2ft. The fire was extinguished by personnel at the scene and no ignition source was located. The entire room was covered in foam and before leaving the TIC showed no isolated heat. Engine 621 then cleared the scene. L. Myers Engineer 614

Member Making Report (Engineer Leon Curtis Earl Myers): _____

Incident Reviewer (Assistant Chief Tom Hernandez): _____

City of Susanville
Fire Department



1505 Main Street
Susanville, California 96130
Phone: (530)257-5152
Email: Fire@cityofsusanville.org

INVOICE

Date: 4/12/2022
Invoice #: 22-003
For: 201 Alexander Ave. Unsecured Structure
Fire on September 21, 2021
Bill To: Richard Munoz
8500 Oak Harbour Court
Fiar Oaks, CA 95628
Phone:

DESCRIPTION	Quantity	Hours	Pay/ Hour	AMOUNT
Chief	1	0.46	\$70.41	\$32.39
Assistant Chief	1	0.54	\$44.82	\$24.20
Captain	1	0.62	\$41.88	\$25.97
Engineer	1	0.62	\$31.35	\$19.44
Volunteer	1	0.62	\$20.00	\$12.40
Engine 621	1	0.62	\$141.96	\$88.02
C-600/ C-601	2	0.46	\$19.97	\$18.37
Make all checks payable to City of Susanville. If you have any questions concerning this invoice, contact the Susanville Fire Department			SUBTOTAL	\$220.78
			TAX RATE	7.25%
			SALES TAX	\$16.01
			ADMIN RATE	19.90%
			ADMIN FEE	43.94
			TOTAL	\$280.72



Susanville Fire Department

Station: 1
Shifts Or Platoon: B Shift

Location: 201 Alexander AVE Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 24' 47.72" W 120° 39' 6.41"	FDID: 18035 Incident #: 2017-817 Exposure ID: 26419483 Exposure #: 0 Incident Date: 08/07/2017 Dispatch Run #: 17-4639
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	McFarland , Kalvn	ID:	Date: 08/14/2017
Report Reviewed by:	Weaver , Dan	ID:	Date: 08/16/2017
Report Printed by:	Ratkey, Cheyenne	ID:	Date: 5/2/2022 Time: 13:34

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling
Automatic Extinguishment System Present: ☐	Detectors Present: ☐ Cause of Ignition: Unintentional
Aid Given or Received: Automatic aid received	Primary action taken: 11 - Extinguishment by fire service personnel
Additional actions: 12 - Salvage & overhaul , 86 - Investigate	
Losses	Pre-Incident Values
Property:	Property:
Contents:	Contents:
Total:	Total:
Civilian Injuries: 0	Fire Service Injuries: 0
Civilian Fatalities: 0	Fire Service Fatalities: 0
Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 5	Total # of personnel on call: 13

NARRATIVE (1)

Narrative Title: n/a

Narrative Author: Weaver, Dan

Narrative Date:

Narrative Apparatus ID: n/a

Narrative:

08/07/2017 1842hrs E621 was dispatched to the area of Riverside Dr, and Mill access rd for a reported vegetation fire, while E621 was responding E621 noticed a large dark smoke column coming from the area of Riverside park. B2211 arrived in the area and reported a fully involved structure with spread into the vegetation behind 1516 Riverside Dr. E621 accessed the residence from the entrance to 1625 Riverside Dr and found an abandoned structure fully involved with spread into the vegetation. The fire had self vented and flames were coming from the alpha side window, fire in the vegetation had a slow rate of spread and was approximately a 20x20 spot. E621 assumed Riverside IC, and requested three additional engines and Air 1 from Janesville Fire Protection District. E621 pulled a 1 3/4" and 2 1/2' attack line and started to cool the fire with the 2 1/2" attack line, E621 also secured a water supply from the hydrant at 1625 Riverside Dr. As resources arrived Riverside IC assigned them to fire attack from the exterior of the building, B602 arrived on scene at 1857 and assumed IC. Engineer McFarland was assigned fire attack responsibilities, as the fire was knocked down resources went interior, Captain 504 was assigned interior operations. During Interior operations another division was established in the basement, Captain 606 became interior 1. The Fire was knocked down at 1926hrs and overhaul operations began at that time. During overhaul operations the origin and cause investigation began and interior 1 became division D. The fire was extinguished and no smoke was found, all units were released at 2229hrs.

Other agency resources at scene: B2211, B2217, B6601, C201, P2222, CCCFD, SRFD, JFPD, Cal Fire, LMUD, SPD and City of Susanville Gas Department

Kalvn McFarland 613
Engineer



City of Susanville
Administrative Services Department

66 North Lassen Street
Susanville, CA 96130
(530) 252-5115

INVOICE

Invoice Date: August 29, 2017

Account #: 3323

Richard Munoz
8500 Oak Harbor Court
Fair Oaks, CA 95628

TOTAL DUE: \$ 9,103.91

Payment Due: UPON RECEIPT

SUBJECT: 201 Alexander Ave-Unsecured Building Structure Fire-August 7, 2017

Description:				
Personnel/Equipment -City of Susanville	Quantity	Hours	Pay	Total
Battalion Chief	1	3.65	\$57.88	\$211.26
Captain	1	3.47	\$39.99	\$138.77
Engineer	1	3.78	\$34.76	\$131.39
Firefighter	1	3.78	\$33.80	\$127.76
Volunteer Firefighters	6	3.52	\$20.00	\$422.40
Building Official	1	2	\$61.32	\$122.64
BC-602	1	3.65	\$60.00	\$219.00
Engine 621	1	3.78	\$350.00	\$1,323.00
Engine 623	1	3.47	\$350.00	\$1,214.50
Truck 1	1	3.52	\$425.00	\$1,496.00
Administrative Fee of 20%				<u>\$1,081.34</u>
				\$6,488.07
Susan River Fire District - Mutual Aid				
Chief Officer	1	3.26	\$65.00	\$211.90
Firefighters	3	3.26	\$48.00	\$469.44
Engine 223	1	3.26	\$575.00	\$1,874.50
Admin Fee		2	\$30.00	<u>\$60.00</u>
				\$2,615.84
Total Bill				\$9,103.91

**Please make payment to the City of Susanville, 66 North Lassen Street,
Susanville CA 96130**



City of Susanville

(530) 252-5118 • 66 North Lassen Street • Susanville, CA 96130-3904

August 29, 2017

Mr. Richard Munoz
8500 Oak Harbor Court
Fair Oaks, CA 95628

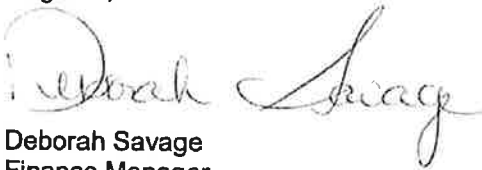
RE: 201 Alexander Avenue, Susanville California

Dear Mr. Munoz,

On August 7, 2017, the Susanville Fire Department along with Susan River Fire District responded to the report of a structure fire at 201 Alexander Avenue. The single family residence located at this address had been determined by the City Planner in a letter to you dated June 10, 2016 to be in Violation of Health & Safety Code 17920.3 Substandard Building. In the referenced letter, you were advised that the dwelling would need to be secured due to numerous violations. I have attached a copy of this letter for your reference. Due to the property not being properly secured as advised in the letter, a fire was started by unknown individuals. The two responding agencies expended time and resources to extinguish this fire and protect surrounding structures from damage. The City of Susanville is enclosing an invoice in the amount of \$9,103.91 for the suppression efforts as well as inspections after the fire.

If you have any questions concerning this invoice, please feel free to contact Chief James Moore, Susanville Fire Department, 530-257-1065 or myself at 530-252-5112.

Regards,



Deborah Savage
Finance Manager

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org



City of Susanville
Administrative Services Department

66 North Lassen Street
Susanville, CA 96130
(530) 252-5115

INVOICE

Invoice Date: August 29, 2017

Account #: 3323

Richard Munoz
8500 Oak Harbor Court
Fair Oaks, CA 95628

TOTAL DUE: \$ 9,103.91

Payment Due: UPON RECEIPT

SUBJECT: 201 Alexander Ave-Unsecured Building Structure Fire-August 7, 2017

Description:				
Personnel/Equipment -City of Susanville	Quantity	Hours	Pay	Total
Battalion Chief	1	3.65	\$57.88	\$211.26
Captain	1	3.47	\$39.99	\$138.77
Engineer	1	3.78	\$34.76	\$131.39
Firefighter	1	3.78	\$33.80	\$127.76
Volunteer Firefighters	6	3.52	\$20.00	\$422.40
Building Official	1	2	\$61.32	\$122.64
BC-602	1	3.65	\$60.00	\$219.00
Engine 621	1	3.78	\$350.00	\$1,323.00
Engine 623	1	3.47	\$350.00	\$1,214.50
Truck 1	1	3.52	\$425.00	\$1,496.00
Administrative Fee of 20%				<u>\$1,081.34</u>
				\$6,488.07
Susan River Fire District - Mutual Aid				
Chief Officer	1	3.26	\$65.00	\$211.90
Firefighters	3	3.26	\$48.00	\$469.44
Engine 223	1	3.26	\$575.00	\$1,874.50
Admin Fee		2	\$30.00	<u>\$60.00</u>
				\$2,615.84
Total Bill				\$9,103.91

**Please make payment to the City of Susanville, 66 North Lassen Street,
Susanville CA 96130**



City of Susanville

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

June 10, 2016

Richard Munoz
8500 Oak Harbor Court
Fair Oaks CA 95628

Re: 201 Alexander Ave. – Violation of Health & Safety Code 17920.3 Substandard Building

Dear Mr. Munoz

Based on an inspection of the exterior of the single family residence located at 201 Alexander Avenue, Susanville, the City has determined that the structure is a substandard building as defined in State of California Health and Safety Code Section 17920.3. The City of Susanville is the enforcement agency for this and all related sections of the Health and Safety Code. Based upon this determination, the City is requiring you to perform repairs to the structure to correct the deficiencies which cause it to be a substandard building. In addition the house is not currently secure and there have been reports of transients using the structure. Attached is a copy of Health and Safety Code Section 17920.3 for your reference.

Based on the exterior inspection the City has determined that the building is substandard for the following issues:

1. Health and Safety Code Section 17920.3 (a) (13) – General dilapidation and maintenance.
2. Health and Safety Code Section 17920.3 (a) (5) - Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
3. Health and Safety Code Section 17920.3 (g) (3) - Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Health and Safety Code Section 17920.3 (g) (4) - Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

There is also reasonable cause to expect that there may be lead paint on the structure due to the age of the house. If lead is present, the required repairs may result in the disturbance of lead paint which would require containment.

Brian R. Wilson
Mayor
Nicholas B. McBride
Mayor pro tem

Councilmembers:
Lino P. Callegari
Rod E. DeBoer
Kathie F. Garnier

www.cityofsusanville.org

HEALTH AND SAFETY CODE SECTION 17920.3

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

- (a) Inadequate sanitation shall include, but not be limited to, the following:
 - (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
 - (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
 - (3) Lack of, or improper kitchen sink.
 - (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
 - (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
 - (6) Lack of adequate heating.
 - (7) Lack of, or improper operation of required ventilating equipment.
 - (8) Lack of minimum amounts of natural light and ventilation required by this code.
 - (9) Room and space dimensions less than required by this code.
 - (10) Lack of required electrical lighting.
 - (11) Dampness of habitable rooms.
 - (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
 - (13) General dilapidation or improper maintenance.
 - (14) Lack of connection to required sewage disposal system.
 - (15) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.
- (b) Structural hazards shall include, but not be limited to, the following:
 - (1) Deteriorated or inadequate foundations.
 - (2) Defective or deteriorated flooring or floor supports.
 - (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 - (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.



**Susanville Fire
Department**

Station: **1**
Shifts Or Platoon: **A Shift**

Location: 201 Alexander AVE Susanville CA 96130	Incident Type: 551 - Assist police or other governmental agency
Lat/Long: N 40° 24' 48.12" W 120° 39' 7.24"	FDID: 18035 Incident #: 2015-1112 Exposure ID: 15387342 Exposure #: 0 Incident Date: 12/11/2015 Dispatch Run #: 2015-6043
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Ward , Mark	ID:	Date: 12/11/2015
Report Reviewed by:	Ward , Mark	ID:	Date: 12/11/2015
Report Printed by:	Arredondo, Jolene	ID:	Date: 2/8/2022 Time: 15:10

Structure Type:	Property Use: 419 - 1 or 2 family dwelling		
Automatic Extinguishment System Present: ☐	Detectors Present: ☐	Cause of Ignition:	
Aid Given or Received: None	Primary action taken: 10 - Fire control or extinguishment, other		
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 1		Total # of personnel on call: 3	

NARRATIVE (1)

Narrative Title: n/a

Narrative Author: Ward, Mark

Narrative Date:

Narrative Apparatus ID: n/a

Narrative:

On 12-11-2015, at approximately 09:05, Engine 621 was requested by the Susanville Police Department to extinguish a fire in a wood stove at an abandoned residence near the 1625 Riverside Drive Apartments

Engine 621 arrived at scene of 201 Alexander Avenue. Law enforcement was at scene and had detained an individual camping in the abandoned residence. Engine 621 successfully extinguished the fire. Engine 621 then returned to quarters. The residence was secured by the Susanville Police Department.

M. Ward
Captain 603

APPARATUS	
Unit	E-621
Type:	Engine
Use:	Suppression
Response Mode:	No Lights or Sirens
# of People	3
Alarm	12 /11/2015 09:13:01
Dispatched	12 /11/2015 09:13:01
Enroute	12 /11/2015 09:13:01
Arrived	12 /11/2015 09:13:05
Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	12 /11/2015 09:18:04
In Quarters	-- / -- / -- -- : -- : --
In Service	12 /11/2015 09:18:09
Number Of People not on apparatus: 0	

CUSTOM FIELDS FORM	
CQI Performed on Incident	No

PERSONNEL ON CALL			
Name	Personnel Rank	Role(s)	Apparatus
Grillo, Jonathan	Firefighter		E-621
Skeen, Daniel	Volunteer		E-621
Ward, Mark	Captain		E-621

Member Making Report (Captain Mark Ward): _____

Incident Reviewer (Captain Mark Ward): _____



City of Susanville

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

June 10, 2016

Richard Munoz
8500 Oak Harbor Court
Fair Oaks CA 95628

Re: 201 Alexander Ave. – Violation of Health & Safety Code 17920.3 Substandard Building

Dear Mr. Munoz

Based on an inspection of the exterior of the single family residence located at 201 Alexander Avenue, Susanville, the City has determined that the structure is a substandard building as defined in State of California Health and Safety Code Section 17920.3. The City of Susanville is the enforcement agency for this and all related sections of the Health and Safety Code. Based upon this determination, the City is requiring you to perform repairs to the structure to correct the deficiencies which cause it to be a substandard building. In addition the house is not currently secure and there have been reports of transients using the structure. Attached is a copy of Health and Safety Code Section 17920.3 for your reference.

Based on the exterior inspection the City has determined that the building is substandard for the following issues:

1. Health and Safety Code Section 17920.3 (a) (13) – General dilapidation and maintenance.
2. Health and Safety Code Section 17920.3 (a) (5) - Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
3. Health and Safety Code Section 17920.3 (g) (3) - Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Health and Safety Code Section 17920.3 (g) (4) - Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

There is also reasonable cause to expect that there may be lead paint on the structure due to the age of the house. If lead is present, the required repairs may result in the disturbance of lead paint which would require containment.

Brian R. Wilson
Mayor
Nicholas B. McBride
Mayor pro tem

Councilmembers:
Lino P. Callegari
Rod E. DeBoer
Kathie F. Garnier

Based on the condition of the exterior of the house there is reasonable cause to suspect that there are other potential defects on the interior that would also make the building substandard and will require repair. An inspection of the interior of the structure is therefore required. Section 17970 of the Health and Safety Code allows the City to enter and inspect the property as necessary to secure compliance with building standards and the Health and Safety Code. Please contact the City to arrange a time that the City Building Official can inspect the interior of the structure. Section 17970 is attached for your review.

This letter is your official notice that the structure at 201 Alexander Avenue is a substandard building. Under the Health and Safety Code you are required to repair or demolish the structure. If you choose to repair the structure it will be required that you bring the structure into compliance with building codes according to a reasonable and feasible time schedule for expeditious repair. The City is giving you 30 days to respond to this letter with a plan of action to make the necessary repairs. The issue of the house not being secure must be addressed immediately. If you fail to respond, steps will be taken to abate the violations which may include demolition of the structure by the City with cost of the demolition being levied against you and the property. The cost will be in addition to administrative costs and any other fines provided for by law.

You are also hereby receiving notice that in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable years that the violation exists.

If you need assistance to determine the actions necessary on your part to abate the identified violations, City staff is available to provide that assistance and can be reached by contacting the Building and Planning Division at 530 252-5118.

Sincerely,

Craig Sanders
City Planner

HEALTH AND SAFETY CODE SECTION 17920.3

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

(1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.

(2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.

(3) Lack of, or improper kitchen sink.

(4) Lack of hot and cold running water to plumbing fixtures in a hotel.

(5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

(6) Lack of adequate heating.

(7) Lack of, or improper operation of required ventilating equipment.

(8) Lack of minimum amounts of natural light and ventilation required by this code.

(9) Room and space dimensions less than required by this code.

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

(12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.

(13) General dilapidation or improper maintenance.

(14) Lack of connection to required sewage disposal system.

(15) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

- (c) Any nuisance.
- (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
- (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
- (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
- (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
- (k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
- (l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- (m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
- (o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

CITY OF SUSANVILLE
EXHIBIT 'E'

City of Susanville

Proof of Service

[Non-judicial Action]

On FEBRUARY 11, 2022 (date), I served the foregoing document(s) described as:

NOTICE OF VIOLATION

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

RICHARD W. MUNOZ

8500 OAK HARBOUR CT.

FAIR OAKS, CA 95628

CA 95628

[☒] (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

[☐] (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

[☐] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 2-11-22

Cody Loflin

Printed Name of Person Serving Documents

Cody Loflin

Signature of Person Serving Documents



City of Susanville

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

Notice of Violation Declared Dangerous Building and Public Nuisance

February 11, 2022

Richard W. Munoz
8500 Oak Harbour Ct.
Fair Oaks, CA 95628

RE : APN 107-100-017-000

To Richard W. Munoz:

The City of Susanville has declared the building upon the lands as referred to by Assessors' Parcel Number 107-100-017-000 as a Dangerous Building pursuant to the California Building Code and the Uniformed Code for the Abatement of Dangerous Buildings 1997. Dangerous Buildings pose a serious threat to the public safety and welfare. Furthermore, the Municipal Code of the City of Susanville declares all dangerous buildings to be a public nuisance.

Over the years, this building has served as an attractive nuisance to the transient population utilizing the abandoned unsecured structure as a refuge from the elements. Unfortunately, this activity has resulted in multiple resources of the City of Susanville to have to respond to handle multiple fires and criminal offenses. The most recent structure fire damaged the building further and at that time was "red tagged" and was not safe for any occupancy.

The City of Susanville requests your compliance in brining this property into compliance with the Susanville Municipal Code and with California state law. If sufficient action is not taken on your part, a Notice of Violation with Administrative Citation may be issued and a fine will be assessed. The fines will be structed pursuant to Chapter 1.12 of the Susanville Municipal Code in that the 1st day will be \$100, the 2nd day will be \$200, and the 3rd and subsequent day a \$500 fine will be assessed until compliance is achieved.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by March 15, 2022.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

Based on a current site inspection on February 11, 2022, of the property located at 63 South Weatherlow Street, the following violations were observed:

- 8.52.030(M) SMC: Maintain Public Nuisance / Dangerous Building
- 15.10.010 SMC: Dangerous Building
- 17920.3 HSC: Substandard Dwelling

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by March 15, 2022.

Section 8.52.030 Susanville Municipal Code :

The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared unlawful and are defined as and declared to be a public nuisance which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public right-of-way:

(M): Maintenance of buildings, structures or premises in such conditions 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 California Civil Code Section 3480 or other applicable law.

Actions to Correct Violations:

1. Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
2. Secure and screen building from public view
3. Actively work on demolition of building or the rehabilitation of building.
4. Correct any other violation of the Susanville Municipal Code and California State Law
5. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated by March 15, 2022, which provides no less than 10 days as prescribed by city ordinance.
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.36, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE
EXHIBIT 'F'

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.60

Extra Services & Fees (check box, add fee if appropriate)

☒ Return Receipt (hardcopy) \$ 2.80
☐ Return Receipt (electronic) \$ 0.00
☐ Certified Mail Restricted Delivery \$ 0.00
☐ Adult Signature Required \$ 0.00
☐ Adult Signature Restricted Delivery \$ 0.00

Postage \$ 1.72

Total Postage and Fees \$ 5.32

Sent To Richard Munoz

Street and Apt. No., or PO Box No. 8500 Oak Harbor Ct

City, State, ZIP+4® Fair Oaks CA 95628

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Munoz
8500 Oak Harbor Ct
Fair Oaks CA 95628



9590 9402 5619 9274 8117 37

2. Article Number (Transfer from service label)

7019 1640 0002 0101 3386

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name) R. Munoz

C. Date of Delivery 4-16-22

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

City of Susanville
Proof of Service
[Non-judicial Action]

On 4-13-22 (date), I served the foregoing document(s) described as:

Notice of Intention to Abate & Notice of Public Hearing
Ordinance 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Richard Munoz
8500 Oak Harbour Ct.
Fair Oaks, CA
95628

☒ (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

☒ (By Physical Posting) I posted an original or copy of the original document or letter in a
conspicuous location on the property at 201 Alexander Ave Susanville/Calaveras/California.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 4-13-22

Cody Loftin
Printed Name of Person Serving Documents

Cody Loftin
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 13, 2022

Richard W. Munoz
8500 Oak Harbour Ct.
Fair Oaks, CA 95628

RE: 201 Alexander Ave. (APN: 107-100-017-000)
Susanville, CA 96130
Code Enforcement Case # CE2022-004

Dear Richard Munoz:

On February 11, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated February 11, 2022, declared a public nuisance upon the property of 201 Alexander Ave. (APN 107-100-017-000) and ordered you to abate the nuisance by March 15, 2022.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 201 Alexander Ave. (APN 107-100-017-000) has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 201 Alexander Ave. (APN 107-100-017-000) and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 201 Alexander Ave. (APN 107-100-017-000), you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 201 Alexander Ave. (APN 107-100-017-000) the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(5) | SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC |
| • 8.32.050 (C)(2) | SMC: Contribute to diminution in the value of surrounding properties |
| • 8.32.050 (C)(4) | SMC: Violation of Chapter 8.52 Property Maintenance |
| • 8.52.030 (A)(1) | SMC: Property Maintenance – Doors/Windows, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (B) | SMC: Property Maintenance – Overgrown vegetation, public safety |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Secure and screen building from public view
- Actively work on demolition of building or the rehabilitation of building
- Repair the fence
- Remove overgrown or dead vegetation from lot
- Clear trash, rubbish, and debris from lot.
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022**.

Please note that the intent to abate public nuisances upon the property of 201 Alexander Ave. (APN 107-100-017-000) does not release the property owner from the obligation of any other proceedings, including but not limited to, summarily abating your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 201 Alexander Ave

The Public Hearing will be held on Thursday May 12, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday, May 6, 2022, for Planning Commission review.

Mendy Schuster – Mayor | Brian Moore – Mayor Pro Tem | Kevin Stafford, Quincy McCourt, Thomas Herrera
Susanville City Council

Wayne Jambois – Chairperson | Melanie Westbrook – Vice Chairperson | Rod DeBoer, Linda Robinette, Jeremiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE
EXHIBIT 'G'

‘Exhibit G’

Posting of Notice of Public Hearing and Do Not Occupy Order

201 Alexander Avenue

April 14, 2022

1:16 PM



CITY OF SUSANVILLE
EXHIBIT 'H'

NOTICE TO ABATE
(CHAPTER 8.28 SUSANVILLE MUNICIPAL CODE)

Dated: June 29, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED:

Name and Address: Richard Munoz
8500 Oak Harbour Ct.
Fair Oaks, CA 95628

IMPORTANT NOTICE TO ABATE
SUSANVILLE MUNICIPAL CODE VIOLATIONS ON YOUR PROPERTY

SUBJECT: PROPERTY ADDRESS:
 PROPERTY LEGAL 107-100-17-11

DESCRIPTION: **SEE ATTACHED**

The City of Susanville Fire Chief, pursuant to Chapter 8.28 of the Susanville Municipal Code, has determined your building is in violation of Susanville Municipal Code Section 8.28.030, which provides as follows:

“It is unlawful for the owner, agent, lessee or other person having charge or control of any piece or parcel of land within the city to allow weeds or rubbish to grow or to remain thereon, or upon the street or sidewalk in front of such piece or parcel of land.”

YOU HAVE TEN (10) DAYS FROM THE DATE OF THIS LETTER TO REMOVE THE WEEDS AND RUBBISH FROM YOUR PROPERTY

Failure to remove the weeds and rubbish from the property will result in the City of Susanville coming upon your property and causing said weeds and rubbish to be removed. All costs of said removal will then become a lien upon your property. Said lien will include interest and any applicable penalties.

If you have any questions, please call 530.257.1061.

Sincerely,

DAN WEAVER
Battalion Chief/Fire Marshal, City of Susanville Fire Department

CITY OF SUSANVILLE
EXHIBIT 'I'



Exhibit 'I'

201 Alexander Avenue

CE # 2022-004

Item # 4.A

Exhibit 'I'

Monday May 2, 2022, at 2:28 PM



Monday May 2, 2022, at 2:28 PM



Exhibit 'I'

Monday May 2, 2022, at 2:28 PM



Monday May 2, 2022, at 2:28 PM



Exhibit 'I'

Monday May 2, 2022, at 2:28 PM



Monday May 2, 2022, at 2:29 PM



Exhibit 'I'

Monday May 2, 2022, at 2:29 PM



Monday May 2, 2022, at 2:29 PM



Exhibit 'I'

Monday May 2, 2022, at 2:30 PM



Monday May 2, 2022, at 2:30 PM



CITY OF SUSANVILLE
EXHIBIT 'J'

1 Margret E. Long SBN: *227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,

11 Petitioner

12 v

13 Richard Munoz

14 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022 at 6:30 p.m. in

Council Chambers

66 North Lassen Street

Susanville, CA 96130

15 I. This proceeding was heard:

- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
17 Susanville, CA 96130
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
19 Hearing Board or the Board) with the following commissioners of the Planning
20 Commission present: **names of Commissioners present.*
- 21 c. Wayne Ambois presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
23 of Public Hearing" dated April 13, 2022 and served on Respondent Richard Munoz
24 by Certified Mail on April 13, 2022, and posted on the structure at 201 Alexander
25 Avenue on April 14, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement representing the City of Susanville and
28 ii. **Property Owner* representing himself.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "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."
2. Richard Munoz is the owner of and responsible party for the property located at 201 Alexander Avenue.
3. Richard Munoz was properly served with a Notice of Intention to Abate Public Nuisance pursuant to City of Susanville Municipal Code section 8.32.060.
4. Richard Munoz was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and the said notice was properly posted at 201 Alexander Avenue on April 13, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 201 Alexander Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board makes the following findings.

1. Richard Munoz must abate the public nuisance at 201 Alexander Avenue by doing the following at 201 Alexander Avenue:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022, which

1 corresponds to the order of the Susanville Fire Chief and Susanville City Council
2 resolution approving the deadline of the city's weed and rubbish abatement efforts.

- 3 2. Richard Munoz must fully abate this public nuisance no later than July 11, 2022.
- 4 3. Richard Munoz must obtain any and all required permits that may be required to abate
5 the public nuisance at 201 Alexander Avenue.
- 6 4. After Richard Munoz abates the nuisance at 201 Alexander Avenue, Richard Munoz must
7 contact the Building and Planning Department at the City of Susanville and request that
8 an official at the City of Susanville inspect the condition of the property and buildings at
9 201 Alexander Avenue to determine if the public nuisance was abated.
- 10 5. If Richard Munoz does not abate the public nuisance at 201 Alexander Avenue by 11:59 pm
11 on July 11, 2022, the City of Susanville may have the property at 201 Alexander Avenue
12 abated.
- 13 6. If Richard Munoz do not abate the public nuisance at 201 Alexander Avenue by 11:59 pm
14 on July 11, 2022, an administrative penalty pursuant to Section 8.32.290 of the City of
15 Susanville Municipal Code shall be assessed, including:
16 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
17 with.
18 b. Effective from February 11, 2022.
19 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
20 costs and interest.
21 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 22 7. All costs of the City's abatement efforts, including the abatement work and administrative
23 time to investigate and to hear and effect the abatement shall be charged against Richard
24 Munoz as a personal debt or may be assessed upon 201 Alexander Avenue and will
25 constitute a lien or special assessment upon the property until paid.
- 26 8. This Order shall be effective for one year after issuance. During such period, the hearing
27 board shall retain jurisdiction over the conditions of the building, structure or property
28 which constituted the nuisance established by this Order, as well as the abatement

1 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
2 property is maintained in such a manner so as not to create a nuisance. If, during this one-
3 year period, any enforcement official determines that the same or another nuisance, as
4 defined by this chapter exists with respect to the building, structure or property, he or she
5 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
6 Susanville Municipal Code. If Richard Munoz does not abate the nuisance at any time
7 within the abatement period, the City may proceed with the abatement itself under the
8 provisions of section 8.32.190 of the City of Susanville Municipal Code without further
9 action of the hearing board. The City of Susanville may recover all of its abatement
10 effort costs as provided for in the City of Susanville Municipal Code.

11
12 Dated: _____

13 _____
14 Wayne Jambor Chairperson

15 Susanville Planning Commission
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RESOLUTION NO. 22-1098
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 201
ALEXANDER AVENUE.

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 conditions of real property upon the lands of 201 Alexander Avenue have been declared to be a dangerous building and conditions constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 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 201 Alexander Avenue are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Richard Munoz is the owner of record for the property of 201 Alexander Avenue.
- 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 201 Alexander Avenue subject to the terms, agreements, and conditions as follows:

1. All structures upon the premises shall be demolished.
2. The commencement of demolition shall begin within thirty (30) days of the issuance of this order and shall be completed within sixty (60) days of the issuance of this order.
3. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property by June 27, 2022.
4. Failure to abate the public nuisance, 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 11, 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 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. 22-1098 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of May 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: May 12, 2022

SUBJECT: Consider **Resolution No. 22-1099** approving the issuance of a Nuisance Abatement Order for 765 Shasta Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 765 Shasta Street suffered major structural damage due to a residential structure fire that occurred on May 13, 2015. The structure has been a source of blight for the residence of Shasta Street who have had to live with this burned structure for the past 7 years. The City of Susanville has provided ample time to the property owner, in a good-faith effort, to allow for the rehabilitation of the structure. The City of Susanville has declared the structure to be a Dangerous Building pursuant to section 15.10.010 of the Susanville Municipal Code. Subsequently, the Susanville Municipal Code declares dangerous buildings to be a public nuisance. Chapter 8.32 of the Susanville Municipal Code provides 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 No. 22-1099** approving the issuance of a Nuisance Abatement Order

ATTACHMENTS:
[Staff Report - 765 Shasta Street.pdf](#)
[Item 4B Exhibit Packet.pdf](#)
[765 Shasta Resolution.docx](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 12, 2022

FILE NUMBER	CE#2020-019		
OWNER	Daniel Guererro		
REQUEST	Issuance of a Nuisance Abatement Order for a fire damaged structure.		
ASSESSOR'S PARCEL NO.	107-181-016-000		
LOCATION	765 Shasta Street		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-1	Residential
	South	R-4	Residential
	East	R-1	Residential
	West	R-1	Residential
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The structure located at 765 Shasta Street suffered major structural damage related to a residential structure fire that occurred on May 13, 2015. The structure has been a source of blight for the last 7 years for the neighborhood of Shasta Street. The City of Susanville has attempted to gain compliance with the property owner on multiple occasions. The City of Susanville has shown a good faith effort to work with the property owner, but this effort has not been reciprocated. The condition of this property cannot continue to exist in the current condition and there must be some movement for this project. The main structure and the accessory structure are in a condition that can negatively affect the general welfare and would reasonably be expected to have a negative impact on the property values of surrounding properties. The main structure is declared to be a dangerous building and constitutes a public nuisance pursuant to the Susanville Municipal Code.

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.

- Notice of Violation issued by Craig Sanders, City Planner on September

11, 2015.

- Cease and Desist notice issued by Craig Sanders, City Planner, on March 22, 2017.
- Notice of Violation issued by Craig Sanders, City Planner, on August 16, 2017.
- Notice of Expiring Permit issued by Holly Hill-Young, Permit Technician, on March 30, 2018.
- Notice of Violation issued by Kelly Mumper, City Planner, on September 4, 2020.
- Notice of Violation issued by Cody Loflin, Code Enforcement Officer, on September 3, 2021.
- Notice of Intention to Abate and Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer on April 13, 2022.

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)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.
- 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(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, trees, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 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.

Exhibit List

City of Susanville Code Enforcement Hearing Board: Planning Commission

Hearing Date: May 12, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table ParcelQuest Property Information Property Address: 765 Shasta Street Name of Property Owner: Daniel Guererro	
D	Susanville Fire Department Incident Reports and Invoices Incident # 2015-415 SIFC # 2021-002056	
E	Notification of Nuisance dated September 3, 2021, with signed Proof of Service by Mail.	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated April 13, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from April 14, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 201 Alexander Avenue	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

H	Miscellaneous Documents • Notice of Violation from September 4, 2020 • Inspection Report from February 13, 2019 • Inspection Report from October 1, 2018 • Request for Extension from Daniel Guererro received on April 10, 2018 • Notice of Expiring Permit from March 30, 2018 • Notice of Substandard Building from August 16, 2017 • Cease and Desist Order from March 22, 2017 • Notice of Substandard Building from September 11, 2015 • Notice of Substandard Building and Certified Mail Receipt sent to local address from September 11, 2015 • Lassen County Recorder Document 2018-0500: Notice of Lien at the request of the City of Susanville • Lassen County Recorder Document 2018-01383: Deed from Steven Guererro to Daniel Guererro.	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

765 Shasta St.

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given <u>no less than 10 days</u> (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.32.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the	20	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

	Hearing 1. City sends a letter to the Responsible Party giving them no less than 10 days (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be no less than 10 days after the abatement period ends. 5. Service must be by posting notice in conspicuous place on or in front of the building, structure or property in question, as well as personal service on responsible party or registered or certified mail	responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time, date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient; (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	Nuisance Abatement Hearing 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.	
4	Decision of Planning Commission 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. <u>Service must be by posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid. 8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.	5	
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CITY OF SUSANVILLE
EXHIBIT 'B'

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ORDINANCE NO. 17-1011
AN ORDINANCE REPEALING AND REPLACING CHAPTERS 1.12 GENERAL PENALTY,
10.22.030 DEFINITIONS, 8.32 ADMINISTRATIVE NUISANCE ABATEMENT AND 8.40
ADMINISTRATIVE CITATIONS AND ADDING CHAPTERS 8.52 PROPERTY
MAINTENANCE, 15.09 NEGLECTED VACANT BUILDINGS AND 15.10 ABATEMENT OF
DANGEROUS BUILDINGS TO THE SUSANVILLE MUNICIPAL CODE

WHEREAS, Susanville City Council has the authority, under its police power, to enact regulation for the public peace, safety, morals and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the Susanville City Council finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the city; and

WHEREAS, the Susanville City Council is committed to protecting the public peace, safety, morals and welfare by providing security and protection to the community from harms and wrongdoings that arise from public nuisances and that certain conditions ; and

WHEREAS, the Susanville City Council has an interest in maintaining the City of Susanville in an orderly and esthetically pleasing condition, to maintain property values and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize 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 finds that City of Susanville's municipal code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City of Susanville proposes amending existing regulations relating to abating public nuisances and recouping the costs related to the enforcement of said regulations as well as adopting new regulations to address the public nuisance stemming from buildings, structures and properties which contribute to neighborhood blight

THE CITY COUNCIL OF THE CITY OF SUSANVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12 General Penalty is hereby repealed and replaced with the following:

1.12 General Penalty

1.12.010 General penalty—Violations.

Civil Actions. The city attorney may bring an action in a court of competent jurisdiction to enjoin a violation of any provision of this code or any other ordinance of the city, or to enforce administrative penalties imposed.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

- 1 A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2 B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the
3 same ordinance, term, or condition within one year from the date of the first violation, or \$500 for
4 a second violation of a building or safety code within one year from the date of the first violation;
5 C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional,
6 violation of the same ordinance, term, or condition within one year from the date of the first
7 violation, or \$1,000 for a third violation of a building or safety code within one year from the date
8 of the first violation;

9 A second or subsequent violation need only be of the same ordinance, term, or condition
10 to require the larger fine, and need not involve the same personnel or property, provided that the
11 same responsible party is cited. The fine amounts shall be cumulative where multiple citations
12 are issued.

13 Wherever in this code or in any other ordinance of the city including codes adopted by
14 reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall
15 be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or
16 imprisonment not to exceed six months.

17 Every day the violation of this code or any other city ordinance continues shall constitute
18 a separate offense.

19 **1.12.020 Recovery of attorneys' fees and costs.**

20 A. In addition to all other remedies and cost recovery authorized or provided by any
21 provision of this code or any other law, any person violating any provision of this code shall be
22 liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such
23 violation or enforce such person's compliance with this code, including recovery of the city's
24 reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an
25 administrative determination or court order against such person. This section does not apply to
26 public nuisance abatement actions for which attorneys' fees are authorized under subsection B
27 of this section.

28 B. In any action or proceeding brought by the city to abate a public nuisance, the
prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to
Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding
in which the city has elected, at the commencement of such action or proceeding, to seek recovery
of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a
prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action
or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may
pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes,
interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and
any other sum required to be paid under any provision of this code or any other law. Upon giving
advance written notice that the debtor will be subject to collection costs if the debtor does not pay
the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees
and costs associated with the collection of the amount owed regardless of whether the city
pursues said collection through litigation or by any other means. As used herein, "costs" include,
but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs
incurred in the collection action, and those costs set forth in Code of Civil Procedure Section
1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total
amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

10.22.030 Definitions.

As used in this chapter:

A. "Highway" means a way or place of whatever nature, publicly maintained or open to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but is not limited to, a vehicle which cannot be legally driven on any public street or other area due to lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

C. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

D. "Owner of the vehicle" means the last registered owner and the last legal owner of record.

E. "Public property" does not include "highway."

F. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks.

Section 3. Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced with the following:

Chapter 8.32 Administrative Nuisance Abatement

8.32.010 Purpose.

This administrative nuisance abatement process is intended to enable the city to respond effectively to public nuisances in order to maintain and protect the public peace, safety, welfare and order and to provide security and protection to the community from harms and wrongdoings. This process makes available an alternative remedy to instituting a civil suit to enjoin public nuisances by authorizing the administrative body to impose orders and conditions to abate and halt public nuisances.

8.32.020 Applicability.

A. This chapter provides for administrative abatement of public nuisances, which is in addition to all other legal remedies, criminal or civil, which the city may pursue to address any public nuisance.

B. The use of this chapter shall be at the sole discretion of the city.

C. The city may proceed to abate a public nuisance under this chapter against any or all persons responsible for creating or fostering the creation of the public nuisance, without regard to whether or not the person owns the property upon which the public nuisance is occurring.

8.32.030 Definitions.

A. "Hearing Board" means the planning commission of the city of Susanville sitting as the hearing board of the city of Susanville, or its successor, or such other board or commission of the city that the city council may, by resolution, authorize to perform the functions of the hearing board under this chapter.

B. "Responsible Party" means any individual who is the owner or occupant of real property, the holder or the agent of the holder of any permit, entitlement, or review, or the party or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

1 any business, company, or entity subject to this chapter; any person or the parent or legal
2 guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
entitlement, review, or agreement described.

3 8.32.040 Public nuisance prohibited.

4 No person may maintain or use property or allow their property to be maintained or used
5 in a manner that creates or fosters the creation of a public nuisance.

6 8.32.050 Public nuisance defined.

7 For purposes of this chapter, a public nuisance means any of the following:

8 A. A condition of real property or a building, structure, improvement or other thing located
9 on real property that violates any provision of this code, including but not limited to:

10 1. Real property developed or used in a manner that violates the zoning and land use
regulations adopted directly or by reference in this code;

11 2. A substandard building or a dangerous building or structure maintained in violation of
the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

12 3. A building or structure constructed, maintained or used in violation of the building
regulations or fire regulations adopted by or pursuant to this code.

13 4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

14 5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

15 B. A condition of real property or a building, structure, improvement, or other thing on
real property that endangers the public health, safety or welfare, including but not limited to:

16 1. A tree that is subject to disease or insect infestation likely to spread or is structurally
unsound by reason of old age, disease, fire or other cause;

17 2. A failing private sewage disposal system;

18 3. An unprotected excavation or an abandoned and uncovered well; or

19 4. A well with a casing not sealed as required by applicable regulations.

20 C. A condition of real property or a 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:

21 1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-
way or surrounding properties;

22 2. An abandoned and dilapidated building or portion of a building; or

23 3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed
balconies or porches.

24 4. The maintenance of property in the city in violation of chapter 8.52 of this code.

25 5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter
10.22 of this code.

26 D. A condition of real property or a building, structure, improvement or other thing on real
property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of
property likely to attract children and other curious people) including, but not limited to:

27 1. An unfenced or otherwise unenclosed outdoor swimming pool; or

28 2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside
a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property,
resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation
applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land,
any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
period expires.

5 8.32.100 Right of entry procedures

6 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
7 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
8 there is reasonable cause to believe that there exists a violation of any provision of such
9 ordinance, resolution or code in any building, or upon any premises, or whenever any
10 enforcement official of the city has reasonable cause to believe that any building or premises is
11 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
resolution or code, an enforcement official of the city may enter such building or premises at a
reasonable time to inspect the same and to perform any duty imposed upon such official by any
provision of such ordinance, resolution or code. However, except in emergency situations, when
consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
enforcement official shall give notice as follows:

12 1. If the building or premises is occupied, the enforcement official shall first present to
13 the occupant city-issued credentials that include the enforcement official's name, position, title,
and photograph. The enforcement official shall then request entry at a time convenient to the
occupant within 24 hours of the time of the request;

14 2. If the building or premises is unoccupied, the enforcement official shall first make a
15 reasonable effort to locate the owner or other person having charge or control of the building or
16 premises, and if located, the enforcement official shall present credentials to the owner or other
17 person and then request entry at a time convenient to such owner or other person, but within 48
18 hours of the entry request;

19 3. If the owner or other person is located outside of the city, the enforcement official may
20 notify that person by telephone or letter, and in doing so shall transmit sufficient information to
21 identify the enforcement official's capacity to the owner or other person and may request entry at
22 a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

23 If entry is refused by the occupant, the owner, or other person having charge or control of the
24 building or premises, or the enforcement official, after making a reasonable effort, cannot locate
25 the owner, or other person having charge or control of the building or premises, so as to request
26 entry, then the enforcement official may seek and obtain an administrative inspection warrant
27 pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
28 through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

B. Any enforcement official of the city or a duly authorized representative or agent of the
city may enter upon a property to access the exterior of the building or structure for the purpose
of posting or serving notice.

8.32.110 Service of notices and order to abate.

Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
or other items as required under this chapter shall be made by posting a notice in a conspicuous
place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

17 8.32.200 Record of cost for abatement; notice of cost hearing.

18 The city finance manager, the enforcement official or such other city official as may be
19 designated shall keep an account of all costs incurred by the city in abating nuisances on each
20 separate lot or parcel of land where the work is done and shall render a written itemized report to
21 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
22 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
23 demolition or removal of said premises, building or structures, including any salvage value relating
24 thereto and any incidental expenses; provided that before said report is submitted to said city
25 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
26 with a notice of the time when said report shall be heard by the City Council for confirmation; a
27 copy of said report and notice shall be served upon the owners of said property, in accordance
28 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
the same to the city council; proof of said posting and service shall be made by affidavit filed with
the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
preparation of specifications the preparation and award of contracts, all costs of inspecting any
work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

8.32.210 Cost report – Hearing and proceedings.

At the time and place fixed for receiving and considering the cost report, the city council
shall receive, hear and consider the report, together with any other relevant evidence, objections,
protests or testimony. Thereupon, the Council may make such revision, correction or modification
to the report as it may deem just after which, by resolution, the details of the report, as submitted
or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
- Commencement of foreclosure action.

27 When directed to do so by the city council, the city attorney shall commence an action in
28 a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
to accrue on the date the nuisance abatement order has been complied with as determined by
the city attorney or the board.

11 D. Penalties assessed by the board shall be due by the date specified in the nuisance
12 abatement order.

13 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
against the subject real property.

14 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
15 order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
17 attorney that the nuisance abatement order has been complied with and if the city attorney finds
that compliance has been achieved, the date that the written notice was postmarked or personally
delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
shall be deemed to be the date of compliance with the nuisance abatement order.

18 8.32.300 Violations.

19 A. Any responsible party who maintains any public nuisance defined in this chapter and
20 who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
25 or with any person who owns, leases, occupies or has charge or control over any building,
structure or property when any of the aforementioned individuals are lawfully engaged in
26 proceedings involving the abatement of a nuisance under this chapter may be charged with either
an infraction or a misdemeanor.

27 8.32.310 Interest.

Any person who fails to remit payment to the city of any penalty, cost or any other charge required to be paid to the city pursuant to a nuisance abatement order under this chapter on or before the date the penalty, cost or other charge is due shall, in addition to the amount of the penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the city.

8.32.320 Report of compliance after nuisance abatement order.

If the enforcement official determines that compliance with the nuisance abatement order has been achieved, the enforcement official shall file a report with the city clerk acting as secretary of the hearing board indicating that compliance has been achieved and the date of the city's final inspection of the subject property.

8.32.330 Compliance dispute.

A. If the enforcement official does not file a report pursuant to Section 8.32.340, a person subject to the nuisance abatement order who believes that compliance has been achieved may request a compliance hearing before the hearing board by filing a request for a hearing with the secretary of the board.

B. The hearing shall be noticed and conducted in the same manner as a hearing on an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

C. The hearing board shall determine if compliance with the nuisance abatement order has been achieved and, if so, when it was achieved.

Section 4. Chapter 8.40 Administrative Citations is hereby repealed and replaced with the following:

CHAPTER 8.40 Administrative Citations

8.40.10 Purpose.

This chapter provides for administrative citations in addition to all other civil remedies and as an initial alternative to any criminal remedy which may be pursued by the city to address any violation of this code. The use of this chapter shall be at the sole discretion of the city. The use of any other enforcement proceedings provided for by this code shall not be considered a prerequisite for the use of this chapter, nor shall the use of this chapter be considered a prerequisite for the use of any other enforcement proceedings.

A. The City Council hereby finds that an appropriate method of enforcement is the imposition and collection of administrative fines as independently authorized by both California Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section 53069.4.

B. The City Council further finds and determines that enforcement of the Susanville Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements, permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the police power is a matter of public health, safety and welfare and serves important public purposes. The City of Susanville adopts this administrative citation program in order to achieve the following goals:

1. To protect the public health, safety and welfare of the City and its citizens;
2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and regulations of the City enacted pursuant to its police powers, and the conditions of approval of permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
11 guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
14 environmental review, or any term or condition of any agreement with the City made pursuant to
the police power may be issued an administrative citation by an enforcement official as provided
15 in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
violations of that code and all uncodified ordinances. A violation of a condition of approval of a
16 permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
17 specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
right-of-way permit. A violation of a condition of approval of an environmental review includes,
18 but is not limited to, any environmental impact report, mitigated negative declaration, negative
declaration, or determination of categorical exemption. A violation of a term or condition of any
19 agreement with the City made pursuant to the police power includes, but is not limited to, any
development agreement, owner participation agreement, disposition and development
20 agreement, road maintenance agreement, any easement, license, or other real property use
agreement, or any agreement made with the city to implement any ordinance, plan, permit,
21 entitlement, or review approved by the City.

22 B. Each and every day a violation exists constitutes a separate and distinct offense.
A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
26 violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
administrative citation until the responsible party for a violation has first been given notice of the
27 violation and an opportunity to correct the violation, in accordance with the procedures set forth
in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
28 set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
chapter shall be deemed served when made in writing and either personally delivered to the
17 responsible party for the violation or deposited in the United States mail, first class postage
18 prepaid, addressed to such responsible party at their last known address. However, if a citation
or notice is required to be served on the owner of property, it shall be deemed served when made
19 in writing and deposited in the United States mail, addressed to the owner at the owner's address
as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
20 addition, the administrative citation shall be posted on the real property that is the subject of the
violation. Service of a citation or notice by mail in the manner provided for by this section shall be
21 effective on the date of mailing, and the failure of any person to actually receive any citation or
notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
24 of this code, the enforcement official shall issue a written notice of violation to any responsible
party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 25 A. The date and location that the violation was observed;
- 26 B. The section of this code violated and a description of the violation;
- 27 C. The actions required to correct the violation;
- 28 D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

1
2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
8 satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

9 E. If the finance manager determines not to issue an advance deposit hardship
10 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
11 decision.

12 F. The finance manager shall issue a written determination listing the reasons for his
13 or her determination to issue or not issue the advance deposit hardship waiver. The written
14 determination of the finance manager shall be final and shall be served upon the person who
15 applied for the advance deposit hardship waiver.

16 8.40.120 Hearing Board.

17 The "hearing board" for administrative citations shall be the same as defined in section
18 8.32.030 of this code.

19 8.40.130 Hearing procedure.

20 A. No hearing to contest an administrative citation before the hearing board officer
21 shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
22 or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

23 B. A hearing before the hearing board officer shall be set for a date that is not less
24 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
25 is filed in accordance with the provisions of this chapter.

26 C. At the hearing, the administrative citation and any written report submitted by the
27 enforcement official shall constitute prima facie evidence of the respective facts contained in the
28 citation. Both the party contesting the administrative citation and the enforcement official shall be
given the opportunity to testify and to present additional evidence concerning the administrative
citation. Such evidence may include the testimony of other witnesses, or the introduction of
documents or other evidence. Such testimony, written documents, or other evidence sought to
be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
it shall be relevant and material to the issues of whether the violation alleged in the citation
occurred and whether the person cited committed, caused or was responsible for the violation.
Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
accordance with the fundamentals of due process. The hearing board may limit the total length of
the hearing to one hour, and shall allow the appellant at least as much time to present its case as
is allowed the city.

29 D. The failure of any recipient of an administrative citation to appear at the
30 administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

31 E. The administrative citation and any additional report submitted by the enforcement
32 officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

1
2 8.40.180 Procedural compliance.

3 Failure to comply with any procedural requirement of this chapter, to receive any notice or decision
4 specified in this chapter, or to receive any copy required to be provided by this chapter shall not
affect the validity of proceedings conducted hereunder unless the responsible party is denied
constitutional due process thereby

5 **Section 5.** Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code
as follows:

6
7 Chapter 8.52 Property Maintenance

8 8.52.010 Purpose and Intent of chapter.

9 It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to
10 any other remedy available by law or equity, whereby lands or buildings which are dilapidated,
11 unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles,
machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health,
morals, property values, aesthetic standards, or the general welfare of the city, may be required
to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive
conditions.

12 Additionally the purpose of this chapter is to provide minimum standards for the maintenance of
13 property in the city. Where this chapter imposes a greater restriction upon property or structures
thereon than is imposed or required by existing provisions of law, ordinance, contract or deed,
14 the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate,
annul or in any way impair or interfere with existing provisions of other laws or ordinances or with
15 private restrictions placed upon property by covenant, deed or other private agreement or with
restrictive covenants running with the land to which the city is a party.

16
17 8.52.020 Responsibilities for property maintenance.

18 Every owner, lessee, occupant or person having charge or control of buildings, structures or
19 property within the city is required to maintain the buildings, structures or property in a manner so
as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having
charge or control of the building, structure or property remains liable for violations hereof
20 regardless of any contract or agreement with any third party regarding the same. The duty
imposed by this section on an owner shall in no instance relieve those other persons referred to
herein from the same duty.

21 8.52.030 Classification of nuisances.

22 The following acts and conditions, when performed or existing upon any lot or parcel of land within
the city, are declared to be unlawful and are defined as and declared to be public nuisances which
23 are injurious or potentially injurious to the public health, safety and welfare, which have a tendency
to degrade the appearance and property values of surrounding property and/or which cause
24 damage to public rights-of-way:

25 A. Structures or buildings, both permanent and temporary, or other lot improvements
including buildings or sheds exempt from obtaining a building permit, which are subject to any of
26 the following conditions:

- 27 1. Faulty weather protection, including, but not limited to, the following:
28

- 1 a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding
2 of any kind, roofs, foundations or floors;
3 b. Broken, damaged or missing windows or doors; and
4 c. Painted or unpainted surfaces suffering from dry rot, warping or termite
5 infestation;
6 2. Building or structures which are under construction or rehabilitation and are not
7 completed within a reasonable time or whose building permit for such construction or
8 rehabilitation has expired;
9 3. Fences or walls which are in a hazardous condition, which are in disrepair or which
10 hinder free access to public sidewalks or rights-of-way or are maintained in such a
11 condition to have a tendency to degrade the appearance and property values of
12 surrounding property. All fencing, including gates shall be maintained in sound condition
13 free of damage, breaks, or missing structural members. Areas that are leaning, buckling,
14 sagging, or deteriorating shall be repaired or replaced with material compatible with the
15 undamaged portions of the fence. Where fencing has been painted and it shall be
16 maintained and kept free of chipping, peeling, scaling or missing paint;
17 4. Substantial deterioration of porches, landings, patios, stairways or guardrails which,
18 although not otherwise constituting an unsafe structure as defined in this code, are visible
19 from public rights-of-way or neighboring properties and are injurious or potentially injurious
20 to the public health, safety and welfare or have a tendency to degrade the appearance
21 and property values of surrounding property;
22 5. Broken or defective elements of a building, structure, parking lot or landscaped area
23 which are injurious or potentially injurious to the public health, safety and welfare or have
24 a tendency to degrade the appearance and property values of surrounding property;
25 6. Litter, debris or abandoned personal property scattered in the interior of a vacant or
26 unoccupied building or structure in such a manner as to create a fire hazard, health hazard
27 or other condition which is injurious or potentially injurious to public health, safety and
28 welfare;
- B. Vegetation, trees, landscaping or other plant materials which are subject to any of
the following conditions:
1. Overgrown or in such a condition that they are or are likely to:
- a. Harbor rats, vermin or other vectors;
b. Provide a harboring place for vagrants or other persons;
c. Which encroaches into, over, or upon any public right-of-way, including, but not limited
to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or
property or any impediment to public travel; or
d. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
e. Create a fire hazard as determined by the fire chief or duly authorized agent.
2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely
to:
- a. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
b. Create a fire hazard or health hazard;
- C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational
vehicles, wood splitters or other similar vehicles and equipment on residentially used property is
prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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 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;

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- 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.
- F Packing boxes or similar storage containers which are stored in yards or unenclosed patios, porches, carports or storage units and which create a fire hazard or health hazard or which are otherwise injurious or potentially injurious to the public health, safety and welfare;
- G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface areas open to the public or when such material flows or seeps onto any public street, sidewalk or public property;
- H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors, commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a paved driveway if a paved driveway has been developed on the property or on an existing gravel driveway if the property was developed prior to the requirement for a paved driveway;
- I. 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 1 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 or local law;
- J. Signs constructed, erected or maintained in violation of the provisions of Chapter 17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition or its location, is injurious or potentially injurious to the public health, safety and welfare or has a tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.

8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter
8.32 of this code or the issuance of an administrative citation as provided for in chapter 8.40.

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
10 are a major cause and source of blight in both residential and nonresidential neighborhoods,
11 especially when the owner of the building fails to actively maintain and manage the building to
12 ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
13 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
14 occupation. The use of vacant buildings by transients, who may employ primitive cooking or
heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
buildings, whether or not those buildings are boarded, discourage economic development and
retard appreciation of property values. It is the responsibility of the owner to prevent owned
property from becoming a burden to the neighborhood and community, and a threat to the public
health, safety and welfare.

15 The City Council also finds that because of the potential economic and public health,
16 safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
17 buildings so that they do not become attractive nuisances, are not used by vagrants or
18 trespassers, are properly secured and maintained, and do not become a blighting influence in the
19 neighborhood. City departments involved in such monitoring include the police department, fire
department, planning and building division and engineering division. There is a substantial cost
to the city for monitoring vacant buildings which should be paid by the owners of the vacant
buildings. The city has established the vacant building monitoring program to accomplish this
purpose.

20 The purpose of this chapter is to require that vacant dwellings and buildings within the
21 incorporated limits of the City of Susanville are maintained to certain minimum standards and
22 suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
appreciable periods of time do not become public nuisances.

23 15.09.020 – Remedies for violation.

24 A building that is vacant or vacant and boarded in violation of this chapter is a public
25 nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

26 The remedies, procedures and penalties provided by this chapter are cumulative to each other
27 and to any others available under state law or other city ordinances. The imposition of a vacant
28 building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.

Any person violating the provisions of this chapter may be charged with either an infraction for each day such violation continues or with a misdemeanor. In addition to the remedies provided herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

15.09.030 - Vacant and neglected vacant building.

A. "Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied or occupied by unauthorized persons. The definition includes without limitation, buildings or structures of any nature intended for human habitation, occupation or use and includes manufactured housing or mobile homes. A neglected vacant building is a vacant building which is not maintained in accordance with the provisions of this chapter.

B. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if:

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant materials in good condition;

b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;

c. Regular removal of all exterior trash, debris and graffiti;

d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;

e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant building to maintain, or cause or permit the maintenance of the vacant building as a neglected vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition which does not create a hazard to public health or safety.

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2 15.09.060 - Fire safety standards.

3 A. All vacant buildings shall be maintained in a manner which does not create an
4 unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which
5 may constitute a fire hazard.

6 B. No vacant building or portion thereof shall be used for the storage of hazardous,
7 combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

8 C. Heating facilities maintained in accordance with applicable codes. If heating
9 equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in
10 accordance with applicable codes and ordinances and the water supply to the building turned off
11 to prevent burst water pipes in freezing weather conditions.

12 D. The street address of the building shall be posted and shall be visible from the
13 street.

14 15.09.07 - Security standards.

15 A. All vacant buildings shall be maintained in a way which secures it from any
16 unauthorized entry.

17 B. The owner or responsible agent of a vacant building which has remained
18 unoccupied for a period of more than thirty days and which has suffered from vandalism, broken
19 windows, broken doors or which had an unauthorized entry must repairs such damage within 15
20 days of becoming aware of such damage. Alternately, the owner or responsible agent may
21 provide security which is adequate to prevent further deterioration and/or unauthorized entry for
22 a time period of up to 6 months. After 6 months the building must un-boarded and actively
23 maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly
24 monitoring fee described in section 15.09.120 shall be applied to the property.

25 Methods of securing the building or structure must meet or exceed the following minimum
26 standards or equivalent standards as determined by the city building official.

27 1. Windows. Windows and similar openings shall be boarded with exterior grade
28 plywood of minimum thickness three-fourths inch (to be consistent with door security
standards) or its equivalent. Vent holes may be required, as deemed necessary by the
building official. The plywood shall be secured in place, as a minimum standard, by a set
of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center
vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large
washers at each end. Bolts used to secure the cross member shall be threaded to the
correct length. A minimum of two such cross members shall be used on each window.
Each cross member shall be a continuous piece of lumber, and each should extend
approximately one foot past the window opening in each direction unless interior condition
limit such extension. Bolts and nuts used to secure the cross members to the plywood
must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against
the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the
interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and
into each unit of the building. If an existing door is operable but lacks an operable locking
mechanism it may be used and secured with a suitable lock such as a hasp and minimum

two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and frame(s) have been damaged, the main exterior (required) residential exit door(s) and all commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum one-eighth-inch clearance at each edge from the door jambs and threshold. The existing door should be removed. The plywood shall, as a minimum standard, be attached to three Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-eighths-inch carriage bolts and matching hardware, with nuts located on the interior side of the structure. The plywood shall be attached to the door entry with three case-hardened strap hinges located at quarter points and the plywood shall be secured by two case-hardened steel hasps located at third points on the strike side of the door and minimum two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall be the nonreversible type that do not give a purchase for pliers or pry bars. All other unsecured residential doors providing exterior access shall be removed and be secured in the same fashion as windows noted above.

3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked with the existing garage lock or a newly installed one. In an attached garage it is acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-four lumber through the overhead mechanism on the inside of the door. The two-by-four shall be long enough to go through both sides of the mechanism or shall be nailed in place on the inside so that it cannot fall out. Secondary garage entrances to the outside of the garage shall be secured with strong-backed plywood as described for windows above. Access doors between the house and attached garage need not be boarded. Detached garages shall be secured as separate structures.

4. All materials used to cover and secure window door or other openings shall be painted to match or complement the color of the main structure.

5. The property owner shall obtain a building permit for work done under this section and an inspection of the work shall be performed by the city.

15.09.080 - Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris, combustible materials, litter and garbage.

15.09.090 - Appearance.

A. All vacant buildings must be maintained in a manner which minimizes the appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this code.

B. All exterior surfaces, including any boarded windows or doors shall be applied with sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a sufficient appearance of repair. If the building is subject to an existing use permit all conditions related to maintenance of the exterior of the structure or parcel on which the building is located shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
11 chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
12 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
13 building is in violation of this chapter. The fee shall be payable as to any building, residential or
14 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

15 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
16 owner of the property. Notice shall be served either personally, by first class mail, or by certified
17 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
18 known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
19 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
20 monitoring program. The hearing board may waive the fee and enrollment if the property owners
21 can show that that any of the conditions listed in section 15.09.030 B.3 are applicable to the
22 building or structure. The owner shall provide substantial evidence supporting the grounds for the
23 waiver. After conducting the hearing and finding that the property is subject to the vacant building
24 monitoring program, the hearing board shall direct that a bill be sent to the property owner with
the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
that notice shall constitute enrollment in the vacant building monitoring program.

25 D. The owner of a vacant building shall not allow or cause any use of the property or
26 any buildings thereon unless the property owner has first corrected the violations which caused
27 placement into the program and has paid the required quarterly monitoring fee, as well as any
28 other penalties or fines owed to the city.

29 E. Within 15 days of the decision by the hearing board to bill for the vacant building
30 monitoring program fee, the city administrator or his/her designee shall file in the office of the
31 county recorder a notice that the building is subject to the vacant building monitoring program fee
32 and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

15.10.040 Scope.

This chapter shall apply and govern in those situations where insufficient time exists due
to imminent threat of substantial danger to the public health, safety and welfare to invoke the
procedures of notice and hearing provided for in the California Building Code, Uniform Housing
Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
adopted by the City of Susanville Municipal Code.

15.10.050 Definition.

The term "dangerous structure" as used in this chapter means any building which is
considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
also means any other structure, whether man-made or a condition of nature, which presents an
imminent threat of substantial danger to public health, safety and welfare. Such threat may be

1 presented by, but is not limited to, situations where a structure, or some part thereof, is likely to
2 collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure
3 falling within the definition of "dangerous structure" under is declared a public nuisance.

4 15.10.060 Determination of condition—Order of abatement.

5 The city administrator, with the advice of the building official and such other persons he or
6 she chooses to consult, shall make the determination whether a structure constitutes a
7 "dangerous structure" as hereinabove defined. As an exception to this procedure, the building
8 official is hereby authorized to make said determination in those circumstances where, in his sole
9 discretion, he concludes that an emergency situation exists requiring immediate abatement and
10 that delay to consult with the city administrator would cause substantial risk to public health, safety
11 and welfare. Summary abatement, without the necessity of prior notification to anyone other than
12 occupants of the structure, may be immediately ordered by the city administrator or the building
13 official, whichever has made the determination that a dangerous structure exists. In the event the
14 building official has made the determination and ordered summary abatement, he shall
15 immediately thereafter report to the city administrator as to the situation. If summary abatement
16 is to be accomplished by contract, the building official need not obtain formal bids but may award
17 the contract on the basis of informal solicitations.

18 15.10.070 Effect on existing law.

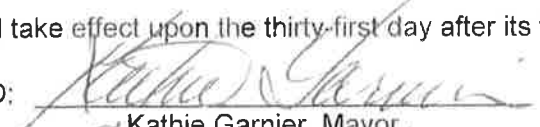
19 Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any
20 power or authority for ordering summary abatement of dangerous and hazardous conditions
21 invested in the City of Susanville fire chief under the California Fire Code or other provisions of
22 law.

23 **Section 8.** The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be
24 published at least once in the Lassen County Times, an adjudicated newspaper of general
25 circulation, published and circulated within the City.

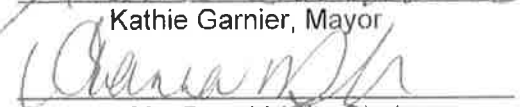
26 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
27 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
28 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
declared that this Ordinance and each section, subsection, clause and phrase hereof would have
been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or
more other sections, subsections, sentences, clause or phrases be declared invalid or
unconstitutional.

Section 10. This Ordinance shall take effect upon the thirty-first day after its final passage.

APPROVED:


Kathie Garnier, Mayor

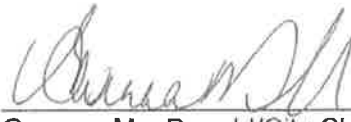
ATTEST:


Gwenna MacDonald /City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	Notification of Nuisance 1. Manner Served: FIRST CLASS MAIL 2. Served On: DANIEL GUERERRO 3. Date of Service: SEPTEMBER 3, 2021 4. Compliance Deadline Stated in Notice: OCTOBER 3, 2021	10 <i>OK</i>	30 <i>OK</i>	9-3-21 <i>OK</i>	10-3-21 <i>OK</i>	11-1-21 <i>OK</i>
2	Notice of Intent to Abate and Notice of Public Hearing 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: APRIL 13, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): MAY 1, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 12, 2022 5. Date Notice Posted at Property: APRIL 14, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: APRIL 13, 2022	20	30 <i>OK</i>	4-13-22 <i>OK</i>	5-1-22	5-13-22
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 12, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	<i>OK</i>	<i>OK</i>	<i>OK</i>	<i>OK</i>	<i>OK</i>
4	Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	10 from compliance date <i>OK</i> 5	11 <i>OK</i>	4-13-22 <i>OK</i>	5-12-22 <i>OK</i>	5-13-22 <i>OK</i>
5	Appeal Abatement Order 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: **765 Shasta St** Owner's Name: **Daniel Guererro** Phone No.: Tenant ☐ Yes or ☒ No **Burneo - ReoTAG**



LIST 1
DETAIL

☒ 1 Property Address: 765 SHASTA ST SUSANVILLE CA

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-181-016-000**
 Parcel Status: **ACTIVE**
 Owner Name: **GUERERRO DANIEL**
 Mailing Address: **696-125 MERRILLVILLE RD SUSANVILLE CA 96130**
 Legal Description:

Assessment

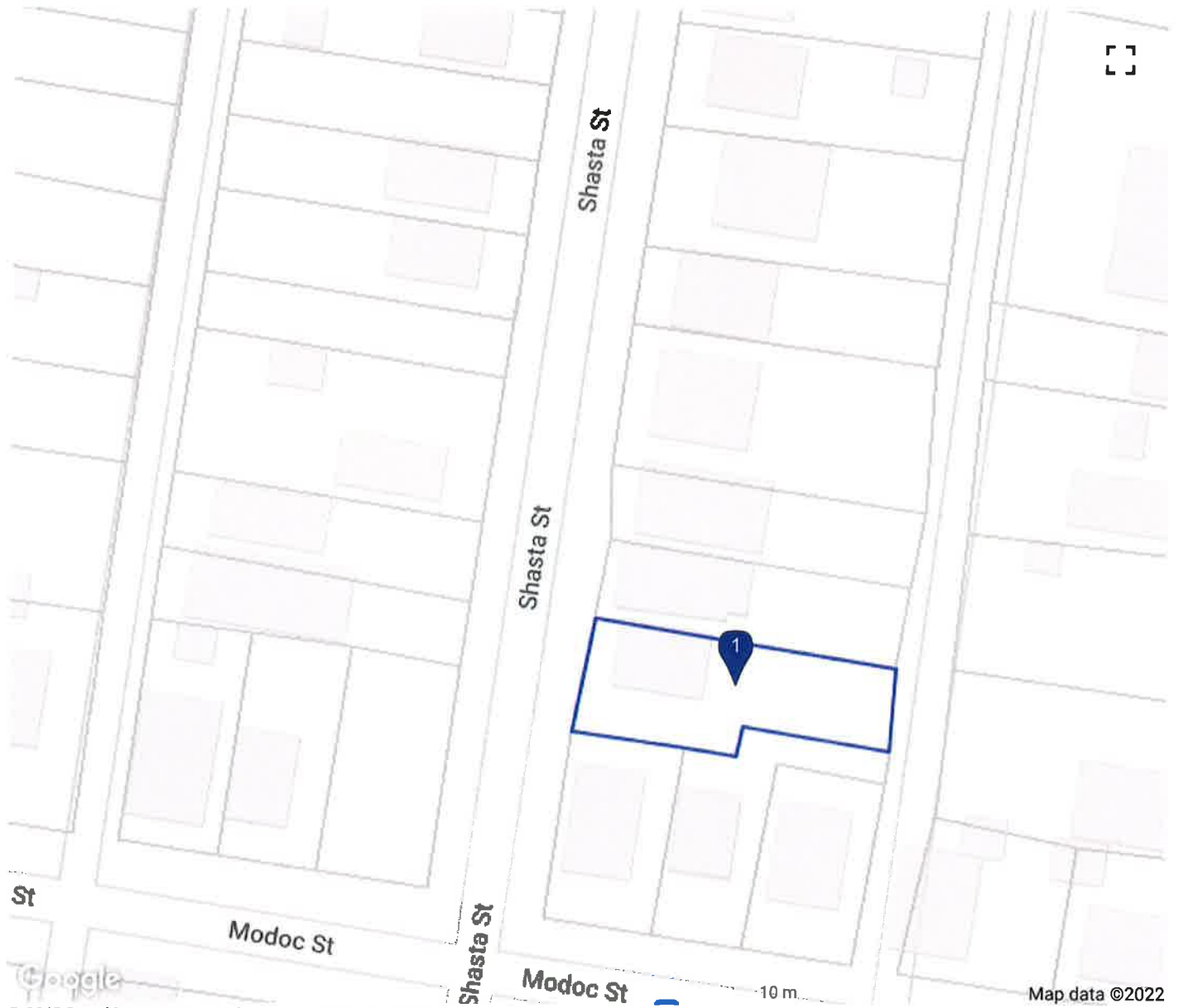
Total Value: \$11,000	Use Code: NUXX	Use Type: RESIDENTIAL
Land Value: \$11,000	Tax Rate Area: 001-033	County Zoning:
Impr Value:	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$113.24	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	01/08/2007			04/16/2018
Document Number:	2007R0000164			2018R0001383
Document Type:	GRANT DEED			
Transfer Amount:				
Seller (Grantor):	GUERERRO, DANIEL			

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		



© 2015 ParcelQuest www.parcelquest.com (888) 217-8999

☒ 1 Property Address: 765 SHASTA ST

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-181-16-11**
 Parcel Status: **ACTIVE**
 Owner Name: **GUERERRO DANIEL**
 Mailing Address: **696-125 MERRILLVILLE RD SUSANVILLE CA 96130-7600**
 Legal Description:

Assessment

Total Value:	\$11,000	Use Code:	NUXX	Use Type:	RESIDENTIAL
Land Value:	\$11,000	Tax Rate Area:	001-033	Zoning:	
Impr Value:		Year Assd:	2020	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	0%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	04/16/2018	09/16/2008	01/08/2007	04/16/2018
Document Number:	2018-01383	2008-05717	2007-00164	2018-01383
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres:	0.143	Site Influence:
Lot SqFt:	6,258	Garage SqFt:
Year Built:		Timber Preserve:
Effective Year:		Ag Preserve:

Acres listed is prepared and checked with available information and is for Assessor's Office use only.



RECORDED MAPS

Map	Bk	Pg	NAME
RM	1	27-35	TOWN OF LASSEN
RSS	3	34	LUCERO & COFFIN
RSS	43	1	LASSEN WOOD PRODUCTS
RS	15	9	BOSTER
RS	23	87	CULVER

Assessor's Map Bk 107 - Pg 18
County of Lassen, Calif.

CITY OF SUSANVILLE
EXHIBIT 'D'



**Susanville Fire
Department**

Station: **1**
Shifts Or Platoon: **A Shift**

Location: 765 Shasta ST Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 24' 28.1" W 120° 39' 30.16"	FDID: 18035 Incident #: 2015-415 Exposure ID: 11763675 Exposure #: 0 Incident Date: 05/13/2015 Dispatch Run #: 2015-2056
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Ward , Mark	ID:	Date: 08/10/2015
Report Reviewed by:	Moore , James M	ID:	Date: 08/18/2015
Report Printed by:	Arredondo, Jolene	ID:	Date: 2/8/2022 Time: 15:07

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling
Automatic Extinguishment System Present: ☐	Detectors Present: ☒ Cause of Ignition: Unintentional
Aid Given or Received: Automatic aid received	Primary action taken: 10 - Fire control or extinguishment, other
Additional actions: 12 - Salvage & overhaul , 86 - Investigate	
Losses	Pre-Incident Values
Property:	Property:
Contents:	Contents:
Total:	Total:
	Civilian Injuries: 2
	Civilian Fatalities: 0
	Total Casualties: 2
	Fire Service Injuries: 0
	Fire Service Fatalities: 0
	Total Fire Service Casualties: 0
Total # of apparatus on call:	5
Total # of personnel on call:	22

NARRATIVE (1)

Narrative Title: n/a

Narrative Author: Ward, Mark

Narrative Date:

Narrative Apparatus ID: n/a

Narrative:

On 5-13-2015, at approximately 16:40, the Susanville Fire Department was dispatched to 765 Shasta Street for a residential structure fire. Automatic aid from CAL FIRE and Susan River Fire Protection District were also dispatched to this incident.

Chief 600 arrived at scene and reported a 1 1/2 story, single family residence with smoke showing. Chief 600 assumed Shasta I.C. (Incident Command), and instructed Engine 621 to make access from Modoc Street and Shasta Street and to hook up to the fire hydrant at the intersection of Modoc Street and Shasta Street. Engine 621 arrived at scene and obtained the water supply and proceeded to the structure. Engine 621 deployed a 1 and 3/4 inch hose line and attempted to knock down the fire on the front of the structure. Knock down from the exterior was unsuccessful. Engine 621 then advanced their hose line to the rear of the structure and provided an aggressive interior fire attack. Advancement through the rear of the structure was made in order to not push the fire throughout the structure. While advancing the hose line inside, Engine 621 personnel encountered difficult access with a washer and dryer blocking half of the door way. Personnel also encountered extreme heat and smoke conditions inside the building. Knock down of the fire was achieved with Engine 621. Engine 621 exited the structure and were replaced by crews from Truck 1 and Engine 623. While the interior attack was being performed, Engine 2256 arrived at scene and was instructed to pull a hose line and provide exposure protection to the adjacent house to the North. Due to fire activity, the crew of Engine 2256 was replaced with the crew of Engine 622 who deployed a 2 1/2 inch hose line for the exposure protection. Engine 2256 was then instructed to stand by with their 1 3/4 inch hose line for firefighter safety. Engine 223 was instructed after knock down of the fire to perform vertical ventilation on the East side of the structure. Vertical ventilation was not performed over the main part of the fire due to concern for possible structural fire impingement. The fire was then extinguished.

During the incident, two citizens reported to have smoke inhalation. The incident commander transferred care of the first patient to Medic 4, who was already at scene. A second patient reported to have smoke inhalation and was treated by Medic 4 as well. All patient information were recorded with Medic 4. These patient's obtained smoke inhalation from attempting to assist with extinguishing the fire and moving the occupants out of the residence.

Two adults and two children were home at the time of the incident and exited the building safely. Interviews were conducted with the two adults and a statement was obtained from a citizen in the area at the time of the incident. Upon arrival, Suspect Charles Thorne, 25, stated that he attempted putting the fire out with buckets of water and a garden hose. He also stated that he suspected his child of playing with a small torch.

During the incident, a report was made by Witness Rachael David. Ms. David stated that Angie Hooper told her that "Chucky", Charles Thorne lit a torch, set it on the ground, and was "too high to know what to do." Witness Rachael David was not present in the house at the time of the incident, but was reporting what Angie Hooper told her during the incident.

Incident Command, Chief 600 and Captain Ward from Engine 621 investigated the structure. Upon entering the structure, a small mattress was observed to the left as you enter the main living room. Most fire damage to the structure was in this area. Continuing to the left and towards the bathroom, a small blue torch was found inside the hallway. The investigation concluded that the fire did start on the mattress with a torch nearby. Interviews were conducted with the parents to conclude who started the fire.

Victim Angelina Hooper, 22, was interviewed first. Ms. Hooper had her two year old (Suspect Charles Thorne IV) and six month old children present. Ms. Hooper was visiting her fiancé, Charles Thorne. Mr. Thorne lived with his parents, who were not present during the incident. When Ms. Hooper noticed the smoke and fire, she immediately moved her 6 month old child out of the residence. The child was reported to be on the mattress. Ms. Hooper reported that her two year old child always plays with the torch, as the child had observed Mr. Thorne playing with the torch. She suspected the child of picking up the act from Mr. Thorne and suspected the two year child of starting the fire. The parents have been putting it on a high object, but during this incident, the torch was on the floor. Ms. Hooper reported that she did not know where Mr. Thorne was as she was being interviewed. She stated that Mr. Thorne grabbed buckets of water, followed by a garden hose to attempt at extinguishing the fire. To her knowledge, during this interview, Mr. Thorne does not use drugs. Ms. Hooper stated that she does smoke cigarettes.

The children were observed for soot near their face, for possible breathing in of smoke and/or burns received. None was present on the children. Ms. Hooper was advised that the Susanville Fire Department would like to talk to Mr. Thorne when he returns to the incident to conduct an interview with him.

Victim Mr. Thorne, 25, returned to the incident and was interviewed. He stated that his girlfriend was in the bathroom and he was outside the back of the residence having a cigarette. He heard some beeping noise and entered the residence, seeing smoke and fire on the mattress. He attempted to put buckets of water on the fire, then attempted to take the mattress outside. Efforts were unsuccessful, so Mr. Thorne grabbed a garden hose. Efforts were further unsuccessful. Mr. Thorne thinks that his two year old child grabbed the torch and started the fire. Mr. Thorne thinks this because the child has been caught playing with the torch before. When asked about drug use, Mr. Thorne denied any drug use. When asked about where the torch was located, Mr. Thorne guessed that the torch was located near the hallway. Mr. Thorne stated that he does smoke cigarettes.

The parents of Mr. Thorne were called. Captain Ward spoke with Tonya Appell. Captain Ward stated that she would need to contact the building owner to get any possessions that were salvageable from the fire. Mrs. Appell asked if a small safe could be retrieved and kept in a safe place for her. The safe was located in the bedroom. Chief 600 and Firefighter McFarland retrieved the safe and transferred custody of the safe to the Susanville Police Department. Mrs. Appell was instructed to retrieve the safe at the Susanville Police Department.

Contact was made with the building owner, Daniel Guererro. Mr. Guererro was advised of the fire and turned the building over to the home owner. Mr. Guererro was advised that it would be his responsibility to secure the residence.

All resources were then released and took no further action. At approximately 22:00, Engine 621 returned to the residence to check for complete extinguishment. Engine 621 was accompanied by an officer of the Susanville Police Department.

No further action was taken at this incident.

The following was added to this narrative on 8/10/2015 due to an error in the initial fire report.

The residence to the north of 765 Shasta Street suffered heat damage due to the proximity of the involved structure fire. The residence to the north was saved due to structure protection provided by Engine 2256. After the fire was extinguished at 765 Shasta Street, Engine 622 was assigned to ventilate the residence to the north due to smoke inside the residence. Horizontal ventilation was used with a positive pressure fan. Once the residence was ventilated and monitored with a gas detector, the residents were allowed back into the residence. This information was added to the report due to an accidental error of not recording the information in the initial report.

M. Ward
Captain 603

APPARATUS

Unit	C-600	Unit	E-621
Type:	Chief officer car	Type:	Engine
Use:	Other	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	1	# of People	2
Alarm	05 /13/2015 16:40:18	Alarm	05 /13/2015 16:40:18
Dispatched	05 /13/2015 16:40:18	Dispatched	05 /13/2015 16:40:18
Enroute	05 /13/2015 16:40:18	Enroute	05 /13/2015 16:42:21
Arrived	05 /13/2015 16:43:04	Arrived	05 /13/2015 16:44:01
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	05 /13/2015 20:16:50	Cleared Scene	05 /13/2015 20:16:50
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	05 /13/2015 20:17:30	In Service	05 /13/2015 20:17:30
Unit	E-622	Unit	E-623
Type:	Medical & rescue unit, other	Type:	Engine
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	3	# of People	3
Alarm	05 /13/2015 16:40:18	Alarm	05 /13/2015 16:52:28
Dispatched	05 /13/2015 16:40:18	Dispatched	05 /13/2015 16:58:28
Enroute	05 /13/2015 16:47:58	Enroute	05 /13/2015 16:58:28
Arrived	05 /13/2015 16:58:03	Arrived	05 /13/2015 17:01:01
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	05 /13/2015 20:00:05	Cleared Scene	05 /13/2015 19:11:09
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	05 /13/2015 20:00:05	In Service	05 /13/2015 19:11:15
Unit	T-1		
Type:	Truck or aerial		
Use:	Suppression		
Response Mode:	Lights and Sirens		
# of People	4		
Alarm	05 /13/2015 16:40:18		
Dispatched	05 /13/2015 16:40:18		
Enroute	05 /13/2015 16:48:39		
Arrived	05 /13/2015 16:50:51		
Cancelled	-- / -- / -- -- : -- : --		
Cleared Scene	05 /13/2015 19:01:06		
In Quarters	-- / -- / -- -- : -- : --		
In Service	05 /13/2015 19:11:13		

Number Of People not on apparatus: 9

FIRE			
Acres Burned	None or Less Than One	Acres Burn From Wildland Form	False
Area Of Fire Origin	Function areas, other	Heat Source	Flame/torch used for lighting
Item First Ignited	Mattress, pillow	Fire Is Confined To Object Of Origin	
Type Of Material	Fabric, textile, fur, other	Cause Of Ignition	Unintentional
Factor Contributing To Ignition	Playing with heat source		
Human Factors Contributing	Age was a factor,		
Estimated Age Of Person Involved	2	Sex Of Person Involved	Male
Suppression Factors	Egress/exit problem, other		

STRUCTURE FIRE			
Structure Type	Enclosed building	Building Status	In normal use
# Of Stories At Above Grade	1	# Of Stories Below Grade	1
Square Feet		Length	25
Width	60	Floor Of Origin	1
Fire Spread	Confined to building of origin		
Minor Damage	0	Significant Damage	0
Heavy Damage	0	Extreme Damage	1
Presence Of Detectors	Present	Type Of Detection System	Smoke
Detector Power Supply	Battery only	Detector Operation	Detector operated
Detector Effectiveness	Detector alerted occupants, occupants responded	Detector Failure Reason	

CIVILIAN CASUALTIES 1					
Gender	Name	Age	Date Of Birth	Race	Ethnicity
Male	Charles Thorne	25	***		Hispanic
Affiliation		Date Of Injury		Time Of Injury	
		05 /13/2015		16 :40:	
Severity		Cause Of Injury			
Minor		Exposed to fire products			
Human Factors Contributing		Location At Time Of Incident		General Location At Time Of Injury	
Activity When Injured					
Rescue attempt		Not in area and not involved in starting the fire		Undetermined	
Story At Start Of Injury		Story Where In jury Occured		Specific Location At Time Of Injury	
				Unknown	
Primary Apparent Symptom		Primary Part Of Body Injured		Disposition	
Breathing difficulty or shortness of breath					
Remarks					
Patient care was transferred to Medic 4, who was already at scene. All medical documentation can be referred to SEMSA. Patient obtained smoke inhalation from attempting to extinguish the fire and moving the occupants out of the residence.					

CIVILIAN CASUALTIES 2

Gender	Name	Age	Date Of Birth	Race	Ethnicity
Male		30	***		Hispanic
Affiliation		Date Of Injury		Time Of Injury	
		05 /13/2015		16 :40:	
Severity		Cause Of Injury			
Minor		Exposed to fire products			
Human Factors Contributing Activity When Injured		None			
		Location At Time Of Incident		General Location At Time Of Injury	
Rescue attempt		Not in area and not involved in starting the fire		Undetermined	
Story At Start Of Injury		Story Where In jury Occured		Specific Location At Time Of Injury	
				Unknown	
Primary Apparent Symptom		Primary Part Of Body Injured		Disposition	
Breathing difficulty or shortness of breath					
Remarks					
Patient care was transferred to Medic 4, who was already at scene. All medical documentation can be referred to SEMSA. Patient obtained smoke inhalation from attempting to assist with extinguishing the fire and moving the occupants out of the residence. The age of the patient in this report is an estimation.					

PEOPLE -- PERSON 1

Is Owner	False	Business Name	
Telephone Number	530-249-7237	Involvement	Witness
Name	Rachael David	Date of Birth	
Address	464-750 Valley View LN Janesville, CA 96130-		

PEOPLE -- PERSON 2

Is Owner	False	Business Name	
Telephone Number	530-247-8616	Involvement	Witness
Name	Angelina Hooper	Date of Birth	6/22/1992
Address			

PEOPLE -- PERSON 3

Is Owner	False	Business Name	
Telephone Number		Involvement	Witness
Name	Charles Thorne	Date of Birth	1/26/1990
Address			

PEOPLE -- PERSON 4

Is Owner	False	Business Name	
Telephone Number		Involvement	Suspect
Name	Charles Thorne IV	Date of Birth	
Address			

PEOPLE -- PERSON 5

Is Owner	False	Business Name	
Telephone Number	530-250-5051	Involvement	Building Owner
Name	Daniel Guererro	Date of Birth	
Address	696-125 Merriville RD Susanville, CA 96130-		

PEOPLE -- PERSON 6

Is Owner	False	Business Name	
Telephone Number	530-209-6825	Involvement	Mr. Thorne's Mom
Name	Tonja Appell	Date of Birth	
Address	765 Shasta ST Susanville, CA 96130-		

CUSTOM FIELDS FORM

CQI Performed on Incident	No
----------------------------------	----

INCIDENT IMAGES



PERSONNEL ON CALL

Name	Personnel Rank	Role(s)	Apparatus
Bollinger, Wyatt	Explorer		Other
Colbert, Brendon	Volunteer		T-1
DuSelle, Jesse	Volunteer		E-623
Elliott, Cindy	Tier 2		Other
Garrison, Brian	Volunteer		T-1
Grillo, Jonathan	Firefighter		Other
Harris, Kyler	Volunteer		Other
Hays, Dave	Volunteer		Other
Hernandez, Tom	Captain		Other
Jarrett, Andrew	Volunteer		E-623
McBride, Nicholas	Volunteer		E-622
McFarland, Kalvn	Firefighter		E-621
Moore, James M	Fire Chief		C-600
Morrow, Benny	Volunteer		E-622
Murphy, Marc	Captain		Other
Myers, Leon	Firefighter		T-1
Nash, Marvin W	Volunteer Lt.		E-622
Neely, Henry	Volunteer Lt.		T-1
Rummel, Bruce	Tier 2		Other
Ward, Mark	Captain		E-621
Weaver, Dan	Captain		E-623
Zelano, Arlene F	Administrative Assistant		Other

Member Making Report (Captain Mark Ward): _____

Incident Reviewer (Fire Chief James M Moore): _____

CITY OF SUSANVILLE
EXHIBIT 'E'

City of Susanville
Proof of Service
[Non-judicial Action]

On Sept 3, 2021 (date), I served the foregoing document(s) described as:

Notice of Violation

Ch. 8.52 SMC

Ch 15.10 SMC

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Daniel Guerrero

696-125 Merrillville Rd

Susanville CA

96130

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☐ (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at _____.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 9-3-21

Cody Coffin

Printed Name of Person Serving Documents

Cody Coffin

Signature of Person Serving Documents



City of Susanville

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

Notice of Violation Declared Dangerous Building and Public Nuisance

September 3, 2021

Daniel Guererro
696-125 Merrillville Rd
Susanville, CA 96130

RE : 765 Shasta Street, Susanville, CA 96130

APN : 107-181-016-000

To Daniel Guererro:

The City of Susanville has declared the above-mentioned building as a Dangerous Building pursuant to the California Building Code and the Uniformed Code for the Abatement of Dangerous Buildings 1997. Dangerous Buildings pose a serious threat to the public safety and welfare. Furthermore, the Municipal Code of the City of Susanville declares all dangerous buildings to be a public nuisance.

On May 13, 2015, the residential structure located at 765 Shasta Street, within the incorporated city limits of Susanville suffered damages due to a residential structure fire. The building was deemed to be a substandard building and a dangerous building as result of the fire. To date, the City of Susanville has not received an application for building permits to rehabilitate the building or demolition permits to demolish the building and abate the public nuisance since the expiration of a demolition permit in 2018.

Burned structures not only pose a threat to public safety but contribute as a source of blight affecting the community at large. The City of Susanville would appreciate your cooperation in abating this structure to resolve the public nuisance.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein by October 3, 2021.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

Based on a current site inspection on September 3, 2021, of the property located at 765 Shasta Street, the following violations were observed:

- 8.52.030(A)(1) SMC: Property Maintenance: Faulty weather protections
- 8.52.030(A)(3) SMC: Property Maintenance: Fence/Wall Disrepair or Dangerous
- 8.52.030(A)(4) SMC: Dangerous Deck or Porch
- 8.52.030(B) SMC: Tree/Vegetation; potential fire hazard
- 8.52.030(M) SMC: Maintain Public Nuisance / Dangerous Building
- 15.10.010 SMC: Dangerous Building
- 17920.3 HSC: Substandard Building / "Red Tag"

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by October 3, 2021.

Section 8.52.030 Susanville Municipal Code :

The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared unlawful and are defined as and declared to be a public nuisance which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public right-of-way:

Attached: Applicable Susanville Municipal Codes and California Health & Safety Code

Actions to Correct Violations:

1. Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
2. Secure and screen building from public view.
 - a. All entry points secured, this includes functional or non-functional windows and doors, or any other holes within walls that a person could potentially fit through.
3. Remove downed branches and limbs from the backyard.
4. Remove the accumulated animal feces from the backyard.
5. Repair or demolish the accessory dwelling (shed/barn).
6. Repair or replace the backyard fence.
7. Correct any other violation of the Susanville Municipal Code and California State Law
8. Have no other violations of the Susanville Municipal Code in the next 12 months.

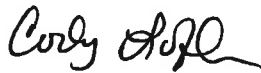
Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by October 3, 2021.

Timeline:

- All public nuisances shall be abated by October 3, 2021, which provides no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.36, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,

A handwritten signature in black ink, appearing to read "Cody Loflin", with a stylized flourish at the end.

Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE
EXHIBIT 'F'

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Daniel Guerrero
696 - 125 Merrillville Rd
Sussexville OH 46130



9590 9402 5619 9274 8117 44

2. Article Number (Transfer from service label)

7019 1640 0002 0101 3379

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No



3. Service Type
- ☐ Adult Signature
 - ☒ Certified Mail®
 - ☐ Collect on Delivery
 - ☐ Insured Mail (over \$500)
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
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- ☐ Adult Signature Restricted Delivery \$

Postage \$ 1.76

Total Postage and Fees \$ 5.11

Sent to Daniel Guerrero

Street and Apt. No. or PO Box 696-125 Merrillville Rd

City, State, ZIP+4 Sussexville OH 46130

Postmark
Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

City of Susanville
Proof of Service
[Non-judicial Action]

On 4-13-22 (date), I served the foregoing document(s) described as:

Notice of Intention to Abate Public Nuisance + Notice of Public

Hearing

Ordinance 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Daniel Guerrero

696 - 125 Merrillville Rd

Susanville CA

96130

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☒ (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 765 Shasta St. Susanville / Lassen / California.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4-13-22

Cody Loftis
Printed Name of Person Serving Documents

Cody Loftis
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 13, 2022

Daniel Guererro
696-125 Merrillville Road
Susanville, CA 96130

RE: 756 Shasta St. (APN: 107-181-016-000)
Susanville, CA 96130
Code Enforcement Case # CE2020-019

Dear Daniel Guererro:

On September 4, 2021, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated September 4, 2021, declared a public nuisance upon the property of 756 Shasta Street and ordered you to abate the nuisance by October 4, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 756 Shasta Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 756 Shasta Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 756 Shasta Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder from their duty to maintain certain aspects of the property.

Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 756 Shasta Street the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(5) | SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC |
| • 8.32.050 (C)(2) | SMC: Contribute to diminution in the value of surrounding properties |
| • 8.32.050 (C)(4) | SMC: Violation of Chapter 8.52 Property Maintenance |
| • 8.52.030 (A)(1) | SMC: Property Maintenance – Doors/Windows, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (B) | SMC: Property Maintenance – Overgrown vegetation, public safety |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Secure and screen building from public view
- Actively work on demolition of building or the rehabilitation of building
- Repair the fence
- Remove overgrown or dead vegetation from lot
- Clear trash, rubbish, and debris from lot.
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022.**

Please note that the intent to abate public nuisances upon the property of 756 Shasta Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summary abatement of your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 765 Shasta Street

The Public Hearing will be held on Thursday May 12, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday, May 6, 2022, for Planning Commission review.

Mendy Schuster – Mayor | Brian Moore – Mayor Pro Tem | Kevin Stafford, Quincy McCourt, Thomas Herrera
Susanville City Council

Wayne Jambois – Chairperson | Melanie Westbrook – Vice Chairperson | Rod DeBoer, Linda Robinette, Jeremiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE
EXHIBIT 'G'

‘Exhibit G’

Posting of Notice of Public Hearing and Do Not Occupy Order

765 Shasta St.

April 14, 2022

12:47 PM



CITY OF SUSANVILLE
EXHIBIT 'H'



City of Susanville

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

September 4, 2020

Daniel Guererro
696-125 Merrillville Road
Susanville, CA 96130-7600

RE: 765 Shasta St. Burned Residence
APN: 107-181-16

To who it may concern;

This letter is to inform you that the buildings you own at the above-mentioned address are currently a public nuisance and public safety hazard due to the recent fire damage. Specifically, the front entrance or doorway of the residence needs to be secured with plywood or other means to prevent children or transients from entering the residence (see attached photo). In addition, we also ask that you secure the rear accessory building from being accessible to possible entry. Said building is dilapidated to the point that it is also a potential hazard and declared a nuisance. The City of Susanville is considering your building(s) a "Dangerous Building" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

"The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

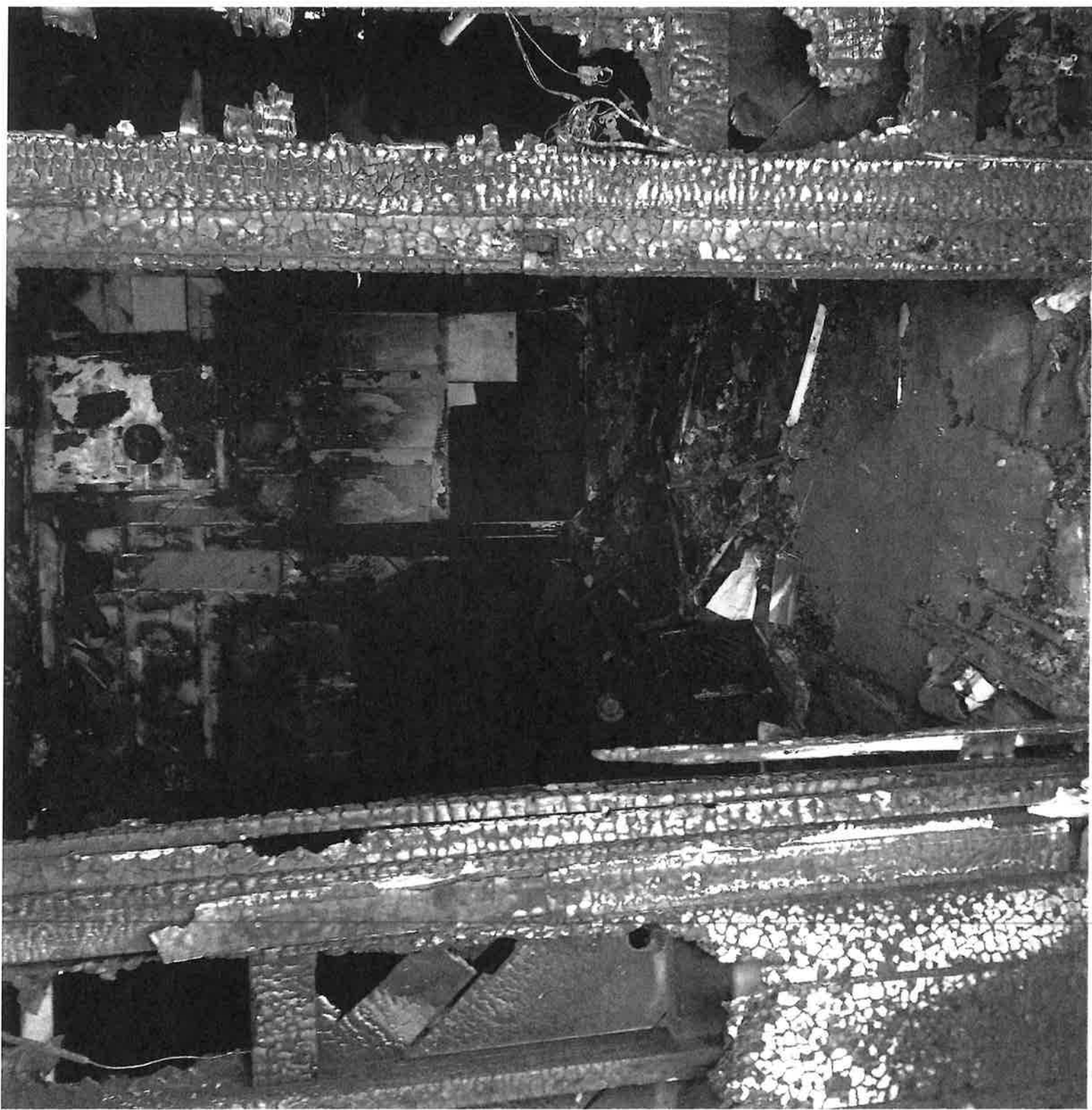
Again, we appreciate your cooperation regarding this issue. You have 30 days upon receipt of this letter to rectify the stated issues above. If no action is taken by you during said time period, the City of Susanville will begin abatement proceedings against your property to ensure that it is properly secured. If you have questions regarding this letter, please contact Dow Davis, Building Inspector, or Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Vacant





City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 2/13/19

Time: 11 a.m.

Name: Guerrero

Permit No.:

Address: 765 Shasta St.

Contact Name:

Phone No.:

Inspection Type: Code Enforcement (See Complaint)

Code Enforcement: ☐

Red Tag: ☐

Stop Work-Work W/out Permit: ☐

Site Inspection Meeting: ☐

Setbacks and Excavation

☐ Setbacks

☐ Grading

Roof

☐ Sheathing 1st Section

☐ Underlayment

☐ Ice Dam

Foundation

☐ Footings

☐ Dry pack

☐ Slab

☐ CMU Rebar

☐ Form & Walls

☐ Grout CMU

Miscellaneous

☐ Electrical Service

☐ Int. Gas Piping

☐ Ext. Gas Piping

☐ Shower Pan

☐ Gas Service

Framing

☐ Shear

☐ Electrical

☐ Framing

☐ Heating/Duct

☐ Plumbing

☐ Fire Sprinklers

Code Enforcement

☐ Site Inspection

☐ Work without Permit

☐ Red Tag

Ground Work/Under Floor

☐ Plumbing

☐ Mechanical

☐ Electrical

☐ Framing

Final

☐ Building

☐ Electrical

☐ Plumbing

☐ Roof

☐ Wood stove/Insert

☐ Water Heater

☐ Mechanical

☐ Corrections

Wall Covering

☐ Insulation

☐ Ceiling Grid

☐ Drywall

☐ Stucco Lath/Scratch Coat

Approved _____

Correction Needed ☒ _____

Final _____

Comments/Correction: In violation, need to find owners contact information.

Building Official:

Anthony Hanner

Anthony Hanner

☐ Correction Letter

☐ Warning Violation Letter

☐ Follow up within 10 Days

Code Enforcement Follow up Use Only

Date of Follow up: ____/____/____

Time of Day: _____

Day of the Week _____

Failure to Correct Violation: ☐ Yes or ☐ No

Case Closed no Further Action: ☐ Yes or ☐ No

Administrative Citation ☐ Yes or ☐ No

Citation Fee: ☐ \$100 First Offense ☐ \$200 Second Offense ☐ \$500

Chapter 1.12 GENERAL PENALTY 1.12.010 General penalty—Violations.

Re-inspection of Violation within 10 Days: ☐ Yes or ☐ No

Case Closed no Further Action: ☐ Yes or ☐ No

Building Official Comments: _____



City of Susanville - Building Division
66 N. Lassen Street, Susanville, CA 96130
(530) 252-5117 • Fax (530) 257-4725
www.cityofsusanville.org

Inspection Report

Date: 10/1/18 Time: 11 a.m.
Name: _____
Type: Site inspection/CE
Notes: Per complaint

Permit No.: _____
Address: 7105 Shasta
Phone: _____

♦ SETBACKS AND EXCAVATION

____ Setbacks
____ Grading

♦ FOUNDATION

____ Footings/SFR
____ Footings/Garage
____ Footings/Other
____ Forms and Walls
____ Slab
____ Grout (CMU) 1st Lift
____ Grout (CMU) 2nd Lift
____ Other

♦ GROUNDWORK/UNDERFLOOR

____ Plumbing
____ Electrical
____ Under floor Joist/Girders/Piers
____ Mechanical

♦ FRAMING

____ Shear/Hold Downs
____ Framing
____ Plumbing
____ Electrical
____ Heating/Ducting
____ Fire Sprinklers

♦ WALL COVERING

____ Insulation
____ Drywall
____ Ceiling Grid

♦ ROOF

____ Sheathing 1st Section
____ Sheathing 2nd Section

♦ MISCELLANEOUS

____ Electrical Service
____ Stucco Lath
____ Ext. Gas Piping
____ Shower Pan
____ Int. Gas Piping
____ Other

♦ FINAL

____ Building
____ Electrical
____ Plumbing
____ Mechanical
____ Roof
____ Woodstove
____ Water Heater

Comments/Corrections: Need to get owner of home information

Approved _____

Correction Needed Y

Finalled _____

Inspector: _____



City of Susanville

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

March 30, 2018

Daniel Guererro
765 Shasta Street
Susanville CA 96130

RE: 765 Shasta St
Job Description: Demo Building
Permit: 17-071

CITY OF SUSANVILLE
RECEIVED

APR 10 2018

BUILDING & PLANNING

Dear Permit Holder,

Our records indicate that your permit has expired with no inspections or activity. You have 10 days from the date of this letter to ask for an extension, please call our office immediately for more information (530)252-5118.

See below:

Section 105.5 Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Our office number is (530) 252-5118. Your attention regarding this matter is appreciated, and we look forward hearing from you.

Sincerely,
Holly Young
Permit Technician
Building Division

I want an extension!
I AM trying to get
financial Aid to rebuild my home and at
the moment I do NOT HAVE THE
FUNDS SO I NEED MORE TIME
PLEASE @

Daniel Guererro

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org



City of Susanville

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

March 30, 2018

Daniel Guererro
765 Shasta Street
Susanville CA 96130

RE: 765 Shasta St
Job Description: Demo Building
Permit: 17-071

Dear Permit Holder,

Our records indicate that your permit has expired with no inspections or activity. You have 10 days from the date of this letter to ask for an extension, please call our office immediately for more information (530)252-5118.

See below:

Section 105.5 Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Our office number is (530) 252-5118. Your attention regarding this matter is appreciated, and we look forward hearing from you.

Sincerely,
Holly Young
Permit Technician
Building Division

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson



City of Susanville

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

August 16, 2017

Daniel Guerrero
630 E Taylor Street
San Jose CA 95112-3046

765 Shasta Street – Violation of Health & Safety Code 17920.3 Substandard Building

Dear Mr. Guerrero,

You were first informed that the fire-damages structure was a public nuisance that needed to be abated in September of 2015. The City contacted you again in June of 2016 requesting that you abate the nuisance. In March of 2017 a compliance order issued to abate which resulted in you submitting an application for a demolition permit on April 15, 2017. To date no work has been completed with just 60 days remaining on your demolition permit.

This letter is to inform you that demolition permit to abate the fire damaged structure on the property located at 765 Shasta Street, Susanville will expire in 60 days on October 15, 2017. It is expected that you will have the building removed and the property cleaned up by that date. An extension of time to abate this nuisance will not be granted.

This letter is also formal notice pursuant to Susanville Municipal Code 8.32.120 that a hearing has been scheduled with the City's Hearing Board On October 24th 2017 at 6:30 p.m. The hearing will take place at 66 N. Lassen Street, Susanville California. The purpose of the hearing, should the abatement and clean-up not be completed by October 15th, will be to direct a contractor to be retained to abate the nuisance and to obtain an administrative warrant to perform the work if you do not voluntarily allow the work to be performed by the City. The secondary purpose of the hearing is to determine if the imposition and collection of administrative civil penalties are warranted. Administrative civil penalties may be assessed at a rate of not more than \$500 per day up to \$10,000.

In determining the amount of the penalty, the Hearing Board may take any or all of the following factors into consideration:

1. The period of time during which the public nuisance occurred;
2. The nature, frequency and recurrence of the public nuisance;
3. The ease with which the public nuisance could have been abated;

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

Staff is recommending that an administrative penalty of \$50 per day be imposed retroactive to May 15, 2017 for a total penalty of \$8,150.

The city, in its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes, interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and any other sum required to be paid under any provision of this code or any other law. Upon giving advance written notice that the debtor will be subject to collection costs if the debtor does not pay the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees and costs associated with the collection of the amount owed regardless of whether the city pursues said collection through litigation or by any other means. As used herein, "costs" include, but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs incurred in the collection action, and those costs set forth in Code of Civil Procedure Section 1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total amount owed has been collected

A copy of the full staff report and recommendations will be mailed to you prior to the hearing.

I can be contacted at (530) 252-5104 if you have any questions.

Sincerely,



Craig Sanders
City Planner



City of Susanville

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

March 22, 2017

Daniel Guerrerro
630 E Taylor Street
San Jose CA 95112-3046

765 Shasta Street – Violation of Health & Safety Code 17920.3 Substandard Building

CEASE AND DESIST ORDER

The City of Susanville Community Development Division - Code Enforcement hereby issues a Cease and Desist Order for violations of the California Health and Safety Code occurring on property located at 765 Shasta Street, Susanville, CA, pursuant to Chapter 8.32 - Administrative Nuisance Abatement, of the City of Susanville Municipal Code. The above referenced property is being maintained or used in a manner that violates, or is the situs of a violation of provisions of the Susanville Municipal Code, zoning or otherwise, and other city, state or federal law or regulations.

Date and Location of Violations:

Location: 765 Shasta Street, Susanville, CA, Assessor's Parcel Number 107-181-16-11. Violations of City of Susanville Municipal Code and the California Health and Safety Code are currently occurring and have since September 11, 2015 when you were sent a violation letter. A second letter was sent to you in June of 2016 which again informed you of the violations and gave you 30 days to correct the violations or submit a plan of action to correct the violations. No response was received and the violations have not been addressed.

Code Sections Violated:

8.32.040 Public Nuisance Prohibited

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. As defined in Susanville Municipal code Section 08.32.50 the maintenance of a property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of this code, zoning or otherwise, or any other city, state or federal law or regulation is defined as and constitutes a public nuisance.

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Rod E. De Boer
Kevin Stafford
Brian R. Wilson

The subject property was the situs of a residential fire which occurred in late December of 2014 which left the structure in an unlivable condition and unsecure to entry. Based on previous and recent inspections of the residence the City has determined that the structure is a substandard building as defined in State of California Health and Safety Code Section 17920.3. The City of Susanville is the enforcement agency for this and all related sections of the Health and Safety Code. Based upon this determination, the City is requiring you to perform repairs to the structure to correct the deficiencies which cause it to be a substandard building or demolish the structure and remove all debris.

Based on the exterior inspection of the property and structure the City has determined that the condition of the building and property violates the following code sections:

1. Health and Safety Code Section 17920.3 (g) (2) – Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
2. Health and Safety Code Section 17920.3 (a) (13) – General dilapidation and maintenance.
3. Health and Safety Code Section 17920.3 (b) (2) - Defective or deteriorated flooring or floor supports.
4. Health and Safety Code Section 17920.3 (b) (5) - Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
5. Health and Safety Code Section 17920.3 (b) (6) - Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
6. Health and Safety Code Section 17920.3 (g) (3) – Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
7. Health and Safety Code Section 17920.3 (e) - All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
8. Health and Safety Code Section 17920.3 (j) - Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

9. Health and Safety Code Section 17920.3 (d) - All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
10. Susanville Municipal Code Section 8.28.030 - It is unlawful for the owner, agent, lessee or other person having charge or control of any piece or parcel of land within the city to allow weeds or rubbish to grow or to remain thereon, or upon the street or sidewalk in front of such piece or parcel of land.

Actions to Correct Violations:

1. Apply for building permits to repair/renovate the structure bringing it into compliance with building codes and effect such repairs within a reasonable time period; or
2. Apply for a building permit to demolish the structure including the removal of all debris from the site and clearing all weeds and overgrown vegetation.

Time to Correct:

By **April 15, 2017** application for a building permit to either repair or demolish the structure must be made the City of Susanville Building and Planning Division. If the permit application is to repair the structure, repairs must be completed by **December 31, 2017**. If the permit is to demolish the structure demolition including clean-up of the parcel must be completed by **May 15, 2017**. If an application for a building permit (or demolition permit) has not been made by **April 15, 2017** this issue will be set for a public hearing at the City of Susanville Appeals Board on **April 25, 2017 at 6:30 p.m.** in the City Council chambers at 66 N. Lassen Street, Susanville CA, where administrative penalties of up to \$500.00 per day with a maximum of \$10,000 (exclusive of administrative costs), as provided by Section 8.32.150, may be imposed as of the **April 16, 2017**.

Attached is a copy of Susanville Municipal Code Section 8.32 for your information and review. If you have any questions please contact the City of Susanville Division of Community Development at (530) 252-5118.

Craig Sanders



City Planner
City of Susanville

Chapter 8.32 ADMINISTRATIVE NUISANCE ABATEMENT

8.32.010 Purpose.

This administrative nuisance abatement process is intended to enable the city to respond effectively to public nuisances in order to maintain and protect the public peace, safety, welfare and order and to provide security and protection to the community from harms and wrongdoings. This process makes available an alternative remedy to instituting a civil suit to enjoin public nuisances by authorizing the administrative body to impose orders and conditions to abate and halt public nuisances. (Ord. 10-971 § 2, 2010)

8.32.020 Applicability.

- A. This chapter provides for administrative abatement of public nuisances, which is in addition to all other legal remedies, criminal or civil, which the city may pursue to address any public nuisance.
- B. The use of this chapter shall be at the sole discretion of the city.
- C. The city may proceed to abate a public nuisance under this chapter against any or all persons responsible for creating or fostering the creation of the public nuisance, without regard to whether or not the person owns the property upon which the public nuisance is occurring. (Ord. 10-971 § 2, 2010)

8.32.030 Board defined.

For the purposes of this chapter, "board" means the planning commission of the city of Susanville sitting as the appeals hearing board of the city of Susanville, or its successor, or such other board or commission of the city that the city council may, by resolution, authorize to perform the functions of the board under this chapter. (Ord. 10-971 § 2, 2010)

8.32.040 Public nuisance prohibited.

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. (Ord. 10-971 § 2, 2010)

8.32.050 Public nuisance defined.

- A. For purposes of this chapter, a public nuisance is:
 - 1. The maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or
 - 2. Real property that has been the situs for nuisance activity including, but not limited to:
 - a. Disturbing the peace, or
 - b. Illegal drug activity, or
 - c. Public drunkenness, or
 - d. Drinking alcoholic beverages in public, or
 - e. Harassment of passersby, or
 - f. Illegal gambling, or
 - g. Prostitution, or
 - h. The sale of stolen goods, or
 - i. Acts of violence, or
 - j. Public urination, or

- k. Acts of vandalism, or
- l. Acts of lewd conduct, or
- m. Unreasonably loud noise, or
- n. Loitering, or
- o. Excessive littering; or
- 3. The maintenance or use of property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of this code, zoning or otherwise, or any other city, state or federal law or regulation.

B. Nothing contained in this chapter shall prohibit persons from participating in activity which the city may not proscribe under the United States Constitution or the California Constitution. (Ord. 10-971 § 2, 2010)

8.32.060 Referral to city attorney.

A. Any city department shall first refer a situation or condition located on a particular property or properties to the city attorney for the possible issuance of a nuisance abatement cease and desist order pursuant to this chapter.

B. The city attorney shall initiate the proceedings set forth in this chapter only after the receipt of a referral from a city department and two independent reviews by the city attorney and the city administrator of whether or not property is being used or maintained in a manner that creates or fosters the creation of a public nuisance. (Ord. 10-971 § 2, 2010)

8.32.070 Cease and desist order.

A. If, after completion of the independent reviews, the city attorney and city administrator determine that property in the city is being used or maintained in a manner that creates or fosters the creation of a public nuisance, the city attorney shall issue a nuisance abatement cease and desist order to the owner of the subject property, the occupant of the subject property and/or to any other person(s) responsible for creating or fostering the creation of the public nuisance.

B. The nuisance abatement cease and desist order shall:

1. Describe the nature of the public nuisance being created maintained or fostered by or on the subject property; and

2. Specify a compliance date by which the public nuisance shall cease.

C. A nuisance abatement cease and desist order shall be deemed to be evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a public nuisance unless and until the appeals hearing board or a court of competent jurisdiction determines otherwise. (Ord. 10-971 § 2, 2010)

8.32.080 Method of service.

A. All written notices required by this chapter shall be served personally on the owner of the property involved unless that owner cannot be located in which case the notice shall be served personally on the occupant of the property over age eighteen (18) and also by deposit in the United States mail to the address of the owner as listed on Lassen County public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to be complete five days after the time of deposit in the post office.

B. To be certain this means that where real property is involved, written notices shall be mailed to the property owner at the address shown on the last county assessment roll.

C. Where personal service or service by mail of the nuisance abatement cease and desist order or the notice of hearing described in Section 8.32.110 upon the property owner is unsuccessful, the city attorney shall cause all of the following to occur:

1. A copy of the nuisance abatement cease and desist order or the notice of hearing, as appropriate, shall be conspicuously posted at the real property where the public nuisance which is the subject of the order is occurring; and

2. A copy of the nuisance abatement cease and desist order or notice of hearing, as appropriate, shall be published once weekly for at least three consecutive weeks in the newspaper of general circulation in the city with the final publication of the notice of hearing shall being published at least five days prior to the date scheduled for the public hearing that is referenced in the notice of hearing.

D. The failure of any person to receive any notice required and properly served, mailed, posted or published under this chapter shall not affect the validity of any proceedings taken under this chapter. (Ord. 10-971 § 2, 2010)

8.32.090 Notice of unlawful detainer proceeding.

An owner of real property that is the subject of a nuisance abatement cease and desist order and who has received a copy of the nuisance abatement cease and desist order shall notify the city attorney if the owner initiates or causes to be initiated unlawful detainer proceedings:

A. As a part of the owner's efforts to comply with or address the nuisance abatement cease and desist order; or

B. Related to the situations, conditions or behaviors described in the nuisance abatement cease and desist order. (Ord. 10-971 § 2, 2010)

8.32.100 Hearing—Setting.

A. If the city attorney determines that the public nuisance has not ceased on or before the compliance date specified in the nuisance abatement cease and desist order or that the public nuisance has recurred prior to the compliance date, the city attorney shall advise the secretary to the board to set the matter for a nuisance abatement hearing before the board pursuant to this chapter.

B. The secretary to the board shall cause a written notice of hearing before the board to be served on all persons subject to the nuisance abatement cease and desist order. (Ord. 10-971 § 2, 2010)

8.32.110 Notice of hearing.

A. Every notice of hearing on a nuisance abatement cease and desist order shall contain the date, time and place at which the hearing shall be conducted by the board.

B. Each hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days from the date of the notice of hearing unless the board determines that the matter is urgent or that good cause exists for an extension of time.

C. This hearing serves to provide a person subject to a nuisance abatement cease and desist order a full opportunity to object to the determination that a nuisance has occurred, that the nuisance has continued to exist or has recurred and/or that the person is responsible for creating, maintaining or fostering the nuisance. The failure of any person subject to a nuisance abatement cease and desist order pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies. (Ord. 10-971 § 2, 2010)

8.32.120 Hearing—Conduct.

A. At the date, time and place set forth in the notice of hearing, the board shall conduct a hearing on the nuisance abatement cease and desist order.

B. At the public hearing on the nuisance abatement cease and desist order, the board shall consider any written or oral evidence consistent with its rules and procedures regarding all of the following:

1. The nuisance abatement cease and desist order, including, without limitation, evidence submitted by persons subject to the nuisance abatement cease and desist order and by the city; and

2. The objectively reasonable efforts made by a person who is subject to the nuisance abatement cease and desist order to comply with that order prior to the compliance date set forth in that cease and desist order; and

3. Any condition or situation beyond the control of a person subject to the nuisance abatement cease and desist order that prevented compliance with that order by the compliance date specified in the order. (Ord. 10-971 § 2, 2010)

8.32.130 Findings and order.

A. Within a reasonable period of time following the conclusion of the hearing and which time shall not exceed two weeks, the board shall make findings and issue its written determination in connection with the nuisance abatement cease and desist order.

B. The findings made by the board shall be supported by the evidence received at the hearing or otherwise submitted to the board in accordance with its rules and regulations.

C. If the board finds by a preponderance of the evidence that both of the following exist, then the board shall issue a nuisance abatement order:

1. The public nuisance occurred or recurred at or on the subject property after the compliance date specified in the nuisance abatement cease and desist order; and

2. The person subject to that nuisance abatement cease and desist order did not take all objectively reasonable steps to comply with that order prior to the compliance date specified in the order, or no condition or situation beyond the control of the person subject to the nuisance abatement cease and desist order prevented compliance with the order by the compliance date specified in the order.

D. If the board finds that one or more of the following exists, then the board shall issue a finding of those facts:

1. That the public nuisance did not occur or recur at or on the subject property after the compliance date specified in the nuisance abatement cease and desist order; or

2. That the person subject to the nuisance abatement cease and desist order took all objectively reasonable steps to comply with the order prior to the compliance date specified in that order; or

3. That some condition or situation beyond the control of the person subject to the nuisance abatement cease and desist order prevented compliance with that order prior to the compliance date specified in the order. (Ord. 10-971 § 2, 2010)

8.32.140 Nuisance abatement order.

A. If the board determines that both of the elements set forth in Section 8.32.130(C) exist, then the board shall issue a nuisance abatement order described in Section 8.32.130(C), which nuisance abatement order may impose any or all of the following:

1. An order to discontinue the use of or certain activity at the subject property, temporarily or permanently, as needed to protect the health, safety or welfare of persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or reoccurrence of the detrimental impacts created by the public nuisance; and

2. An order imposing conditions on the continued use of or certain activity at the subject property, as needed to protect the health, safety or welfare of persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or recurrence of the detrimental impacts created by the nuisance; and

3. Where the implementation of conditions requires a development permit or an amendment to an existing development permit, an order conditioned upon the property owner applying for and obtaining the development permit or modification of an existing development permit applicable to the subject property; and

4. An order to pay penalties of a certain amount to the city pursuant to Section 8.32.150; and

5. An order to pay reimbursement to the city for the city's administrative costs incurred as a result of the public nuisance and/or the public nuisance abatement procedure pursuant to Section 8.32.160.

B. Every person subject to a nuisance abatement order shall comply with that nuisance abatement order and with all applicable laws, permits or other approvals of the federal, state or local governments in any and all actions taken pursuant to or in order to comply with the nuisance abatement order, including, without limitation, the payment of all applicable permit fees. (Ord. 10-971 § 2, 2010)

8.32.150 Administrative penalties.

A. The board may impose penalties upon persons responsible for creating, maintaining or fostering a public nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for each day that the public nuisance occurs, except that the total administrative penalty imposed pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of administrative costs and interest.

B. In determining the amount of the penalty, the board may take any or all of the following factors into consideration:

1. The period of time during which the public nuisance occurred;
2. The nature, frequency and recurrence of the public nuisance;
3. The ease with which the public nuisance could have been abated;
4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

C. Penalties imposed by the board may accrue from a date no earlier than the compliance date specified in the nuisance abatement cease and desist order and shall cease to accrue on the date the nuisance abatement order has been complied with as determined by the city attorney or the board.

D. Penalties assessed by the board shall be due by the date specified in the nuisance abatement order.

E. Penalties assessed by the board are a debt owed to the city and, in addition to all other means of enforcement, where the person against whom the penalties are assessed is an owner of the

subject real property, may be enforced and collected through the placement of a lien against the subject real property.

F. Penalties shall continue to accrue on a daily basis until the nuisance abatement order has been complied with, subject to the maximum amount set forth in this section.

G. If a person subject to the nuisance abatement order gives written notice to the city attorney that the nuisance abatement order has been complied with and if the city attorney finds that compliance has been achieved, the date that the written notice was postmarked or personally delivered to the city attorney or the date of the city's final inspection, whichever first occurred, shall be deemed to be the date of compliance with the nuisance abatement order. (Ord. 10-971 § 2, 2010)

8.32.160 Administrative costs.

A. The board shall assess administrative costs against a person responsible for creating, maintaining or fostering the public nuisance when it finds that the nuisance occurred or recurred on or after the compliance date specified in the nuisance abatement cease and desist order.

B. The administrative costs may include any and all costs incurred by the city in connection with the matter before the board including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all re-inspections and other work performed by or on behalf of the city to enforce the nuisance abatement order. (Ord. 10-971 § 2, 2010)

8.32.170 Limit on property owner responsibility.

Provided that the board specifically finds that the owner had no knowledge of the activity prior to issuance of the administrative citation, the owner of a subject property upon which the board has found that a public nuisance has occurred or recurred and still without the owner's knowledge, shall not be responsible for the payment of administrative penalties or administrative costs, or interest accrued on those amounts, imposed by the board solely upon an occupant or other person who is not the property owner. (Ord. 10-971 § 2, 2010)

8.32.180 Failure to pay penalties and costs.

A failure to pay the assessed penalties, interest and administrative costs as specified in the nuisance abatement order of the board may be enforced as:

A. A personal obligation of persons subject to the nuisance abatement order; and/or

B. A lien upon the subject real property for the amounts owed by a property owner pursuant to a nuisance abatement order. The lien shall remain in effect until all of the penalties, interest and administrative costs are paid in full. (Ord. 10-971 § 2, 2010)

8.32.190 Interest.

Any person who fails to remit payment to the city of any penalty, cost or any other charge required to be paid to the city pursuant to a nuisance abatement order under this chapter on or before the date the penalty, cost or other charge is due shall, in addition to the amount of the penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the city. (Ord. 10-971 § 2, 2010)

8.32.200 Report of compliance after nuisance abatement order.

If the city attorney determines that compliance with the nuisance abatement order has been achieved, the city attorney shall file a report with the city clerk acting as secretary of the board indicating that compliance has been achieved and the date of the city's final inspection of the subject property. (Ord. 10-971 § 2, 2010)

8.32.210 Compliance dispute.

A. If the city attorney does not file a report pursuant to Section 8.32.200, a person subject to the nuisance abatement order who believes that compliance has been achieved may request a compliance hearing before the board by filing a request for a hearing with the secretary of the board.

B. The hearing shall be noticed and conducted in the same manner as a hearing on a nuisance abatement cease and desist order provided in Sections 8.32.080 through 8.32.130 of this chapter.

C. The board shall determine if compliance with the nuisance abatement order has been achieved and, if so, when it was achieved. (Ord. 10-971 § 2, 2010)

8.32.220 Right of judicial review.

Any person aggrieved by a nuisance abatement order of the board may obtain review of the nuisance abatement order in the Superior Court of the county of Lassen by filing with the court a petition for writ of mandate. (Ord. 10-971 § 2, 2010)

8.32.230 Lien procedure.

A. Whenever the amount of any penalty and/or administrative cost, including interest, imposed upon a property owner by the board pursuant to this chapter has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien against the subject real property at or upon which the public nuisance occurred.

B. The lien provided herein shall have no force and effect until recorded with the county recorder. Once recorded, the lien shall have the force, effect and priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure, all as may be amended from time to time.

C. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law at the rate set forth in Section 8.32.180.

D. Prior to recording any such lien, the director of finance shall prepare and file with the secretary to the appeals hearing board a written report stating the amounts due and owing.

E. The secretary shall fix a time, date, and place for hearing such report and any protests or objections thereto.

F. The director of finance shall cause written notice to be served on the property owner not less than ten days prior to the time set for the hearing. Such notice shall be served as provided in Section 1.04.140 of this code. (Ord. 10-971 § 2, 2010)

8.32.240 Public hearing and protests.

A. Any person whose real property is subject to a lien pursuant to Section 8.32.230 may file a written protest and request for a hearing with the secretary to the appeals hearing board and then may protest orally at the appeals hearing board meeting.

B. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.

C. The appeals hearing board, after the hearing, shall adopt a resolution confirming, modifying or discharging the amount of the lien. (Ord. 10-971 § 2, 2010)

8.32.250 Recording of lien.

Thirty (30) days following the adoption of a resolution by the appeals hearing board imposing a lien, the secretary to the appeals hearing board shall file the same as a judgment lien in the office of the county recorder of Lassen County, California. The lien may carry such additional administrative charges as set forth by resolution of the board. (Ord. 10-971 § 2, 2010)

8.32.260 Satisfaction of lien.

Once payment in full is received by the city for outstanding penalties, interest and costs, the director of finance shall either record a notice of satisfaction or provide the property owner or financial institution holding an interest in the subject property with a notice of satisfaction so they may record this notice with the office of the county recorder. Such notice of satisfaction shall cancel the city's lien. (Ord. 10-971 § 2, 2010)



City of Susanville

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

September 11, 2015

Daniel Guererro
630 E Taylor Street
San Jose CA 95112-3046

765 Shasta Street – Violation of Health & Safety Code 17920.3 Substandard Building

Dear Mr. Guererro,

In September of 2015 the City of Susanville informed you of the findings that a house you own at 765 Shasta Street in Susanville is a substandard building and needs to be repaired or removed from the parcel. To date no action has been taken to address the issue of this damaged and abandoned home. The structure continues to deteriorate and is an attractive nuisance as it cannot be properly secured. Due to a lack of action on your part to remedy the situation the City intends to initiate action to have the structure demolished. This letter is to inform you that if actions are not taken within 30 days to show that this issue will be addressed the City will initiate a formal public nuisance process which could result in the City contracting for the demolition of the structure and clean-up of the property. The expense of such clean-up would include City administrative costs and if not paid would become a lien against the property.

The action to abate the property can proceed as either a voluntary or involuntary action. With a voluntary abatement you would enter into an agreement authorizing the City to take the necessary actions with a pre-arranged payment schedule for the costs. With an involuntary the City will have to go through legal proceedings which would add additional administrative costs to the action. A sample of the voluntary abatement agreement is attached. Also attached is a copy of the original letter sent to you in September 2015. I can be contacted at (530) 252-5104 if you have any questions.

Sincerely,

Craig Sanders
City Planner

Brian R. Wilson
Mayor
Nicholas B. McBride
Mayor pro tem

Councilmembers:
Lino P. Callegari
Rod E. DeBoer
Kathie F. Garnier

RECORDING REQUESTED BY
Jessica Ryan

WHEN RECORDED MAIL TO:
Jessica Ryan
66 N. Lassen Street
Susanville, Ca. 96130

VOLUNTARY NUISANCE ABATEMENT
RELEASE AND LIEN AGREEMENT

This Voluntary Nuisance Abatement, Release and Lien Agreement (Agreement) is hereby made and entered between the City of Susanville, California, a municipal corporation(City) and Daniel Guererro (Owner).

Whereas, Daniel Guererro is the Owner, free and clear of any outstanding liens, mortgages, and encumbrances of the real property located at 765 Shasta Street and described as follows:

INSERT LEGAL DESCRIPTION

A.P.N. 107-181-16-11

Whereas, said above described property is a vacant, partially burned, deteriorated and dilapidated residential building located on the above described property; and,

Whereas, City has advised Owner that said building is injurious to the public's health, safety and welfare and Owner acknowledges same and wants to cooperate with City on its removal rather than forcing City to complete nuisance abatement proceedings; and

Whereas, City has solicited bids on behalf of Owner from responsible licensed California Contractors for the demolition of said building and the removal of all debris; and

Whereas, City will need to obtain a preliminary title report at a cost of \$XXX to verify that the Owner's property described above is free and clear; and

Whereas, City is willing to advance the funds to remove the building in the amount of \$XXXX bid by the low bidder YYYYY, Inc; and

Whereas, Owner is agreeable to the demolition of the building, removal of all demolition debris and the grading of the site at the above location.

Therefore, for and in consideration of the City of Susanville providing the services in the form of removing the building owned by Owner, the following fee shall apply:

For demolition of the structure, removal of demolition debris and site grading plus the cost of the preliminary title report and administration of the project by City (\$500.00) \$XXXXXX is to be paid to City by Owner within twelve (12) months following the date of the demolition and such amount shall be a secured lien against the property.

This Voluntary Nuisance Abatement Release and Lien Agreement is in fact entered into voluntarily and is intended to release the City of Susanville, its officers, employees and agents thereof, for any and all claims that may occur as a result of the services performed.

NOW THEREFORE OWNER AND CITY agree as follows:

- 1) City shall remove the building described above by demolition with voluntary consent of Owner by use of the lowest responsible bid amount. Owner acknowledges that the vacant structure is substandard, deteriorated and dilapidated in its condition, and that the immediate removal of same benefits the public health, safety and welfare.
- 2) City will be reimbursed the costs in the amount of \$XXXXXX plus the costs of the above referenced preliminary title report in the amount of \$XXX and administrative fee of \$500.00 for a total reimbursement of \$XXXXXX within twelve(12) months following the date of demolition; said reimbursement will bear the legal rate of interest in California which is ten (10) percent simple interest from the date of advancement of fund by City for the purposes stated herein. Owner agrees that a lien in the amount of \$XXXXXX will be assessed by the City for this work. Owner agrees that a lien shall be recorded prior to demolition commencement by the lowest responsible bidder but that said lien will be released immediately upon payment of the sum of \$XXXXXX within twelve (12) months following the date of demolition. City agrees to pay all other costs beyond demolition and the preliminary title report in excess of the sum of \$ XXXXX.
- 3) Owner certifies that no liens, mortgages or other ownership exist other than_____. Furthermore, owner assures that all insurance policies covering the building have been cancelled and are therefore no longer in force and effect.
- 4) Owner shall indemnify and hold City harmless of and from any and all claims, suits, actions or judgments including all expenses and attorney fees, witness fees, cost of defending any such action or claim or appeals, arising out of the City of Susanville's demolition of the building.
- 5) Owner certifies that there are no hazardous materials located, stored, kept, maintained or possessed on or above the described property.

Approved and Agreed by Owner

City of Susanville

Daniel Guererro, Owner

By _____
Brain Wilson, Mayor

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. An

Daniel Guererro
696-125 Merrillville Road
Susanville CA 96130



9590 9403 0563 5183 9529 67

2. Article Number (Transfer from service label)

7015 0640 0003 4790 2541

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

SEP 28 2015

RECEIVED

3. Service type

- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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- ☐ Adult Signature Restricted Delivery \$

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715 5183



City of Susanville

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

September 11, 2015

Daniel Guererro
696125 Merrillville Road
Susanville, CA 96130-7600

765 Shasta Street – Violation of Health & Safety Code 17920.3 Substandard Building

Dear Mr. Guererro,

Based on the fire that occurred in the house located at 765 Shasta Street, Susanville the City has determined that the structure is a substandard building as defined in State of California Health and Safety Code Section 17920.3. The City of Susanville is the enforcement agency for this and all related sections of the Health and Safety Code. Attached is a copy of Health and Safety Code Section 17920.3 for your reference.

Based upon the above determination, the City is requiring that repairs to the structure be performed to correct the deficiencies caused by the fire or that the structure be demolished the debris removed from the site. A reasonable amount of time has passed since the fire and no action has occurred to do either. This is a courtesy letter to inform you that if actions are not taken within 30 days to show that this issue will be addressed the City may initiate a formal public nuisance process which could result in the City contracting for the demolition of the structure and clean-up of the property. The expense of such clean-up would include City administrative costs and if not paid would become a lien against the property.

Please contact me as soon as possible to discuss this matter. The City is willing to work with you to get this accomplished and we can arrive at a plan for a mutually beneficial solution.

Sincerely,

Craig Sanders
City Planner
(530) 252-5104

Brian R. Wilson
Mayor
Nicholas B. McBride
Mayor pro tem

Councilmembers:
Lino P. Callegari
Rod E. DeBoer
Kathie F. Garnier

HEALTH AND SAFETY CODE SECTION 17920.3

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) General dilapidation or improper maintenance.
- (14) Lack of connection to required sewage disposal system.
- (15) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

- (c) Any nuisance.
 - (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
 - (e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.
 - (f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
 - (g) Faulty weather protection, which shall include, but not be limited to, the following:
 - (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
 - (h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
 - (i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.
 - (j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.
 - (k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.
 - (l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
 - (m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
 - (n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.
 - (o) Inadequate structural resistance to horizontal forces.
- "Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

Chapter 8.32 ADMINISTRATIVE NUISANCE ABATEMENT

8.32.010 Purpose.

This administrative nuisance abatement process is intended to enable the city to respond effectively to public nuisances in order to maintain and protect the public peace, safety, welfare and order and to provide security and protection to the community from harms and wrongdoings. This process makes available an alternative remedy to instituting a civil suit to enjoin public nuisances by authorizing the administrative body to impose orders and conditions to abate and halt public nuisances. (Ord. 10-971 § 2, 2010)

8.32.020 Applicability.

- A. This chapter provides for administrative abatement of public nuisances, which is in addition to all other legal remedies, criminal or civil, which the city may pursue to address any public nuisance.
- B. The use of this chapter shall be at the sole discretion of the city.
- C. The city may proceed to abate a public nuisance under this chapter against any or all persons responsible for creating or fostering the creation of the public nuisance, without regard to whether or not the person owns the property upon which the public nuisance is occurring. (Ord. 10-971 § 2, 2010)

8.32.030 Board defined.

For the purposes of this chapter, “board” means the planning commission of the city of Susanville sitting as the appeals hearing board of the city of Susanville, or its successor, or such other board or commission of the city that the city council may, by resolution, authorize to perform the functions of the board under this chapter. (Ord. 10-971 § 2, 2010)

8.32.040 Public nuisance prohibited.

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. (Ord. 10-971 § 2, 2010)

8.32.050 Public nuisance defined.

- A. For purposes of this chapter, a public nuisance is:
 - 1. The maintenance or use of property in the city in a manner that jeopardizes or endangers the health, safety or welfare of persons on the premises or in the surrounding area; or
 - 2. Real property that has been the situs for nuisance activity including, but not limited to:
 - a. Disturbing the peace, or
 - b. Illegal drug activity, or
 - c. Public drunkenness, or
 - d. Drinking alcoholic beverages in public, or
 - e. Harassment of passersby, or
 - f. Illegal gambling, or
 - g. Prostitution, or
 - h. The sale of stolen goods, or
 - i. Acts of violence, or
 - j. Public urination, or

- k. Acts of vandalism, or
- l. Acts of lewd conduct, or
- m. Unreasonably loud noise, or
- n. Loitering, or
- o. Excessive littering; or
- 3. The maintenance or use of property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of this code, zoning or otherwise, or any other city, state or federal law or regulation.

B. Nothing contained in this chapter shall prohibit persons from participating in activity which the city may not proscribe under the United States Constitution or the California Constitution. (Ord. 10-971 § 2, 2010)

8.32.060 Referral to city attorney.

A. Any city department shall first refer a situation or condition located on a particular property or properties to the city attorney for the possible issuance of a nuisance abatement cease and desist order pursuant to this chapter.

B. The city attorney shall initiate the proceedings set forth in this chapter only after the receipt of a referral from a city department and two independent reviews by the city attorney and the city administrator of whether or not property is being used or maintained in a manner that creates or fosters the creation of a public nuisance. (Ord. 10-971 § 2, 2010)

8.32.070 Cease and desist order.

A. If, after completion of the independent reviews, the city attorney and city administrator determine that property in the city is being used or maintained in a manner that creates or fosters the creation of a public nuisance, the city attorney shall issue a nuisance abatement cease and desist order to the owner of the subject property, the occupant of the subject property and/or to any other person(s) responsible for creating or fostering the creation of the public nuisance.

B. The nuisance abatement cease and desist order shall:

1. Describe the nature of the public nuisance being created maintained or fostered by or on the subject property; and

2. Specify a compliance date by which the public nuisance shall cease.

C. A nuisance abatement cease and desist order shall be deemed to be evidence that the activities, behaviors, conditions or situations described in the order are creating or fostering the creation of a public nuisance unless and until the appeals hearing board or a court of competent jurisdiction determines otherwise. (Ord. 10-971 § 2, 2010)

8.32.080 Method of service.

A. All written notices required by this chapter shall be served personally on the owner of the property involved unless that owner cannot be located in which case the notice shall be served personally on the occupant of the property over age eighteen (18) and also by deposit in the United States mail to the address of the owner as listed on Lassen County public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to be complete five days after the time of deposit in the post office.

B. To be certain this means that where real property is involved, written notices shall be mailed to the property owner at the address shown on the last county assessment roll.

C. Where personal service or service by mail of the nuisance abatement cease and desist order or the notice of hearing described in Section 8.32.110 upon the property owner is unsuccessful, the city attorney shall cause all of the following to occur:

1. A copy of the nuisance abatement cease and desist order or the notice of hearing, as appropriate, shall be conspicuously posted at the real property where the public nuisance which is the subject of the order is occurring; and

2. A copy of the nuisance abatement cease and desist order or notice of hearing, as appropriate, shall be published once weekly for at least three consecutive weeks in the newspaper of general circulation in the city with the final publication of the notice of hearing shall being published at least five days prior to the date scheduled for the public hearing that is referenced in the notice of hearing.

D. The failure of any person to receive any notice required and properly served, mailed, posted or published under this chapter shall not affect the validity of any proceedings taken under this chapter. (Ord. 10-971 § 2, 2010)

8.32.090 Notice of unlawful detainer proceeding.

An owner of real property that is the subject of a nuisance abatement cease and desist order and who has received a copy of the nuisance abatement cease and desist order shall notify the city attorney if the owner initiates or causes to be initiated unlawful detainer proceedings:

A. As a part of the owner's efforts to comply with or address the nuisance abatement cease and desist order; or

B. Related to the situations, conditions or behaviors described in the nuisance abatement cease and desist order. (Ord. 10-971 § 2, 2010)

8.32.100 Hearing—Setting.

A. If the city attorney determines that the public nuisance has not ceased on or before the compliance date specified in the nuisance abatement cease and desist order or that the public nuisance has recurred prior to the compliance date, the city attorney shall advise the secretary to the board to set the matter for a nuisance abatement hearing before the board pursuant to this chapter.

B. The secretary to the board shall cause a written notice of hearing before the board to be served on all persons subject to the nuisance abatement cease and desist order. (Ord. 10-971 § 2, 2010)

8.32.110 Notice of hearing.

A. Every notice of hearing on a nuisance abatement cease and desist order shall contain the date, time and place at which the hearing shall be conducted by the board.

B. Each hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days from the date of the notice of hearing unless the board determines that the matter is urgent or that good cause exists for an extension of time.

C. This hearing serves to provide a person subject to a nuisance abatement cease and desist order a full opportunity to object to the determination that a nuisance has occurred, that the nuisance has continued to exist or has recurred and/or that the person is responsible for creating, maintaining or fostering the nuisance. The failure of any person subject to a nuisance abatement cease and desist order pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies. (Ord. 10-971 § 2, 2010)

8.32.120 Hearing—Conduct.

A. At the date, time and place set forth in the notice of hearing, the board shall conduct a hearing on the nuisance abatement cease and desist order.

B. At the public hearing on the nuisance abatement cease and desist order, the board shall consider any written or oral evidence consistent with its rules and procedures regarding all of the following:

1. The nuisance abatement cease and desist order, including, without limitation, evidence submitted by persons subject to the nuisance abatement cease and desist order and by the city; and

2. The objectively reasonable efforts made by a person who is subject to the nuisance abatement cease and desist order to comply with that order prior to the compliance date set forth in that cease and desist order; and

3. Any condition or situation beyond the control of a person subject to the nuisance abatement cease and desist order that prevented compliance with that order by the compliance date specified in the order. (Ord. 10-971 § 2, 2010)

8.32.130 Findings and order.

A. Within a reasonable period of time following the conclusion of the hearing and which time shall not exceed two weeks, the board shall make findings and issue its written determination in connection with the nuisance abatement cease and desist order.

B. The findings made by the board shall be supported by the evidence received at the hearing or otherwise submitted to the board in accordance with its rules and regulations.

C. If the board finds by a preponderance of the evidence that both of the following exist, then the board shall issue a nuisance abatement order:

1. The public nuisance occurred or recurred at or on the subject property after the compliance date specified in the nuisance abatement cease and desist order; and

2. The person subject to that nuisance abatement cease and desist order did not take all objectively reasonable steps to comply with that order prior to the compliance date specified in the order, or no condition or situation beyond the control of the person subject to the nuisance abatement cease and desist order prevented compliance with the order by the compliance date specified in the order.

D. If the board finds that one or more of the following exists, then the board shall issue a finding of those facts:

1. That the public nuisance did not occur or recur at or on the subject property after the compliance date specified in the nuisance abatement cease and desist order; or

2. That the person subject to the nuisance abatement cease and desist order took all objectively reasonable steps to comply with the order prior to the compliance date specified in that order; or

3. That some condition or situation beyond the control of the person subject to the nuisance abatement cease and desist order prevented compliance with that order prior to the compliance date specified in the order. (Ord. 10-971 § 2, 2010)

8.32.140 Nuisance abatement order.

A. If the board determines that both of the elements set forth in Section 8.32.130(C) exist, then the board shall issue a nuisance abatement order described in Section 8.32.130(C), which nuisance abatement order may impose any or all of the following:

1. An order to discontinue the use of or certain activity at the subject property, temporarily or permanently, as needed to protect the health, safety or welfare of persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or reoccurrence of the detrimental impacts created by the public nuisance; and

2. An order imposing conditions on the continued use of or certain activity at the subject property, as needed to protect the health, safety or welfare of persons or property on or near the subject property or to eliminate, lessen or prevent the continuation, exacerbation or recurrence of the detrimental impacts created by the nuisance; and

3. Where the implementation of conditions requires a development permit or an amendment to an existing development permit, an order conditioned upon the property owner applying for and obtaining the development permit or modification of an existing development permit applicable to the subject property; and

4. An order to pay penalties of a certain amount to the city pursuant to Section 8.32.150; and

5. An order to pay reimbursement to the city for the city's administrative costs incurred as a result of the public nuisance and/or the public nuisance abatement procedure pursuant to Section 8.32.160.

B. Every person subject to a nuisance abatement order shall comply with that nuisance abatement order and with all applicable laws, permits or other approvals of the federal, state or local governments in any and all actions taken pursuant to or in order to comply with the nuisance abatement order, including, without limitation, the payment of all applicable permit fees. (Ord. 10-971 § 2, 2010)

8.32.150 Administrative penalties.

A. The board may impose penalties upon persons responsible for creating, maintaining or fostering a public nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for each day that the public nuisance occurs, except that the total administrative penalty imposed pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of administrative costs and interest.

B. In determining the amount of the penalty, the board may take any or all of the following factors into consideration:

1. The period of time during which the public nuisance occurred;
2. The nature, frequency and recurrence of the public nuisance;
3. The ease with which the public nuisance could have been abated;
4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

C. Penalties imposed by the board may accrue from a date no earlier than the compliance date specified in the nuisance abatement cease and desist order and shall cease to accrue on the date the nuisance abatement order has been complied with as determined by the city attorney or the board.

D. Penalties assessed by the board shall be due by the date specified in the nuisance abatement order.

E. Penalties assessed by the board are a debt owed to the city and, in addition to all other means of enforcement, where the person against whom the penalties are assessed is an owner of the

subject real property, may be enforced and collected through the placement of a lien against the subject real property.

F. Penalties shall continue to accrue on a daily basis until the nuisance abatement order has been complied with, subject to the maximum amount set forth in this section.

G. If a person subject to the nuisance abatement order gives written notice to the city attorney that the nuisance abatement order has been complied with and if the city attorney finds that compliance has been achieved, the date that the written notice was postmarked or personally delivered to the city attorney or the date of the city's final inspection, whichever first occurred, shall be deemed to be the date of compliance with the nuisance abatement order. (Ord. 10-971 § 2, 2010)

8.32.160 Administrative costs.

A. The board shall assess administrative costs against a person responsible for creating, maintaining or fostering the public nuisance when it finds that the nuisance occurred or recurred on or after the compliance date specified in the nuisance abatement cease and desist order.

B. The administrative costs may include any and all costs incurred by the city in connection with the matter before the board including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all re-inspections and other work performed by or on behalf of the city to enforce the nuisance abatement order. (Ord. 10-971 § 2, 2010)

8.32.170 Limit on property owner responsibility.

Provided that the board specifically finds that the owner had no knowledge of the activity prior to issuance of the administrative citation, the owner of a subject property upon which the board has found that a public nuisance has occurred or recurred and still without the owner's knowledge, shall not be responsible for the payment of administrative penalties or administrative costs, or interest accrued on those amounts, imposed by the board solely upon an occupant or other person who is not the property owner. (Ord. 10-971 § 2, 2010)

8.32.180 Failure to pay penalties and costs.

A failure to pay the assessed penalties, interest and administrative costs as specified in the nuisance abatement order of the board may be enforced as:

A. A personal obligation of persons subject to the nuisance abatement order; and/or

B. A lien upon the subject real property for the amounts owed by a property owner pursuant to a nuisance abatement order. The lien shall remain in effect until all of the penalties, interest and administrative costs are paid in full. (Ord. 10-971 § 2, 2010)

8.32.190 Interest.

Any person who fails to remit payment to the city of any penalty, cost or any other charge required to be paid to the city pursuant to a nuisance abatement order under this chapter on or before the date the penalty, cost or other charge is due shall, in addition to the amount of the penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the city. (Ord. 10-971 § 2, 2010)

8.32.200 Report of compliance after nuisance abatement order.

If the city attorney determines that compliance with the nuisance abatement order has been achieved, the city attorney shall file a report with the city clerk acting as secretary of the board indicating that compliance has been achieved and the date of the city's final inspection of the subject property. (Ord. 10-971 § 2, 2010)

8.32.210 Compliance dispute.

A. If the city attorney does not file a report pursuant to Section 8.32.200, a person subject to the nuisance abatement order who believes that compliance has been achieved may request a compliance hearing before the board by filing a request for a hearing with the secretary of the board.

B. The hearing shall be noticed and conducted in the same manner as a hearing on a nuisance abatement cease and desist order provided in Sections 8.32.080 through 8.32.130 of this chapter.

C. The board shall determine if compliance with the nuisance abatement order has been achieved and, if so, when it was achieved. (Ord. 10-971 § 2, 2010)

8.32.220 Right of judicial review.

Any person aggrieved by a nuisance abatement order of the board may obtain review of the nuisance abatement order in the Superior Court of the county of Lassen by filing with the court a petition for writ of mandate. (Ord. 10-971 § 2, 2010)

8.32.230 Lien procedure.

A. Whenever the amount of any penalty and/or administrative cost, including interest, imposed upon a property owner by the board pursuant to this chapter has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien against the subject real property at or upon which the public nuisance occurred.

B. The lien provided herein shall have no force and effect until recorded with the county recorder. Once recorded, the lien shall have the force, effect and priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure, all as may be amended from time to time.

C. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law at the rate set forth in Section 8.32.180.

D. Prior to recording any such lien, the director of finance shall prepare and file with the secretary to the appeals hearing board a written report stating the amounts due and owing.

E. The secretary shall fix a time, date, and place for hearing such report and any protests or objections thereto.

F. The director of finance shall cause written notice to be served on the property owner not less than ten days prior to the time set for the hearing. Such notice shall be served as provided in Section 1.04.140 of this code. (Ord. 10-971 § 2, 2010)

8.32.240 Public hearing and protests.

A. Any person whose real property is subject to a lien pursuant to Section 8.32.230 may file a written protest and request for a hearing with the secretary to the appeals hearing board and then may protest orally at the appeals hearing board meeting.

B. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.

C. The appeals hearing board, after the hearing, shall adopt a resolution confirming, modifying or discharging the amount of the lien. (Ord. 10-971 § 2, 2010)

8.32.250 Recording of lien.

Thirty (30) days following the adoption of a resolution by the appeals hearing board imposing a lien, the secretary to the appeals hearing board shall file the same as a judgment lien in the office of the county recorder of Lassen County, California. The lien may carry such additional administrative charges as set forth by resolution of the board. (Ord. 10-971 § 2, 2010)

8.32.260 Satisfaction of lien.

Once payment in full is received by the city for outstanding penalties, interest and costs, the director of finance shall either record a notice of satisfaction or provide the property owner or financial institution holding an interest in the subject property with a notice of satisfaction so they may record this notice with the office of the county recorder. Such notice of satisfaction shall cancel the city's lien. (Ord. 10-971 § 2, 2010)

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Notice of Lien - 2018-05000

Document #

2018-05000

Recording Date

12/14/2018 11:08:49 AM

Book Page

Number Pages No Charge

6



Recording Fee Transfer Tax

\$0.00

\$0.00

Debtor owner

Agency

GUERERRO DANIEL SUSANVILLE CITY

Recorded at the request of
SUSANVILLE CITY

Legal

Legal

Related

Document #

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Page

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Deed - 2018-01383

Document #

2018-01383

Recording Date

04/16/2018 09:22:58 AM

Book Page

Number Pages No Charge

2 ☐

Recording Fee Transfer Tax

\$85.00 \$0.00

Grantor seller

Grantee buyer

GUERRERO STEVEN J

GUERRERO DANIEL

Recorded at the request of

DANIEL GUERERRO

Legal

Legal

Related

Document #

Book

Page

CITY OF SUSANVILLE
EXHIBIT 'I'

A photograph of a wooden shed with a lattice screen and a wooden fence in the background. The shed has a dark roof and a light-colored lattice screen. The fence is made of vertical wooden slats. The background shows a grassy area and some trees.

Exhibit 'I'

765 Shasta St.

CE # 2020-019

Item # 4.C

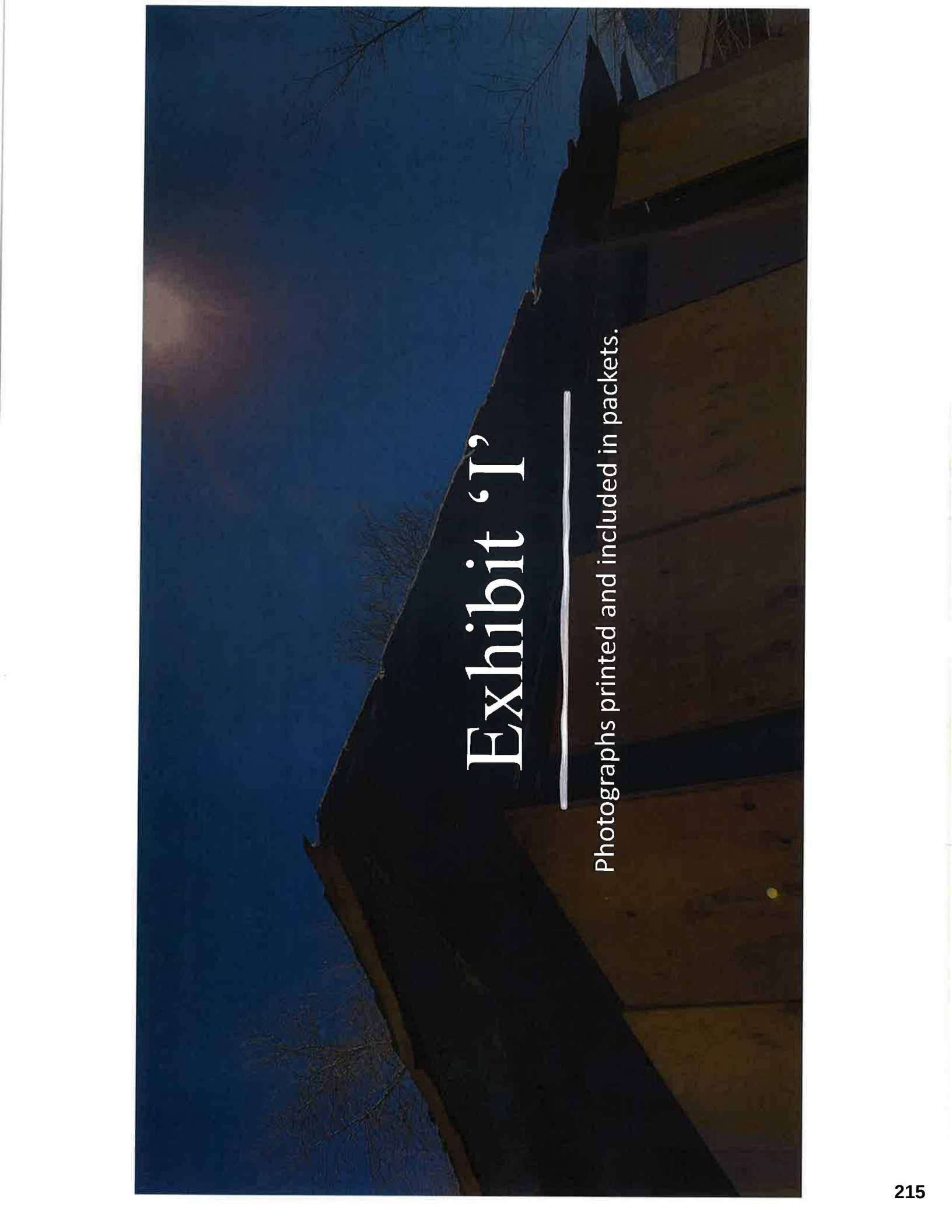
A photograph of a building at night, viewed from a low angle looking up. The building's facade is dark, with some horizontal lines visible. The sky is a deep blue, and a bright light source, possibly the sun or moon, is visible in the upper left corner, creating a lens flare effect. The text 'Exhibit 'I'' is overlaid in white, serif font, with a horizontal line underneath it.

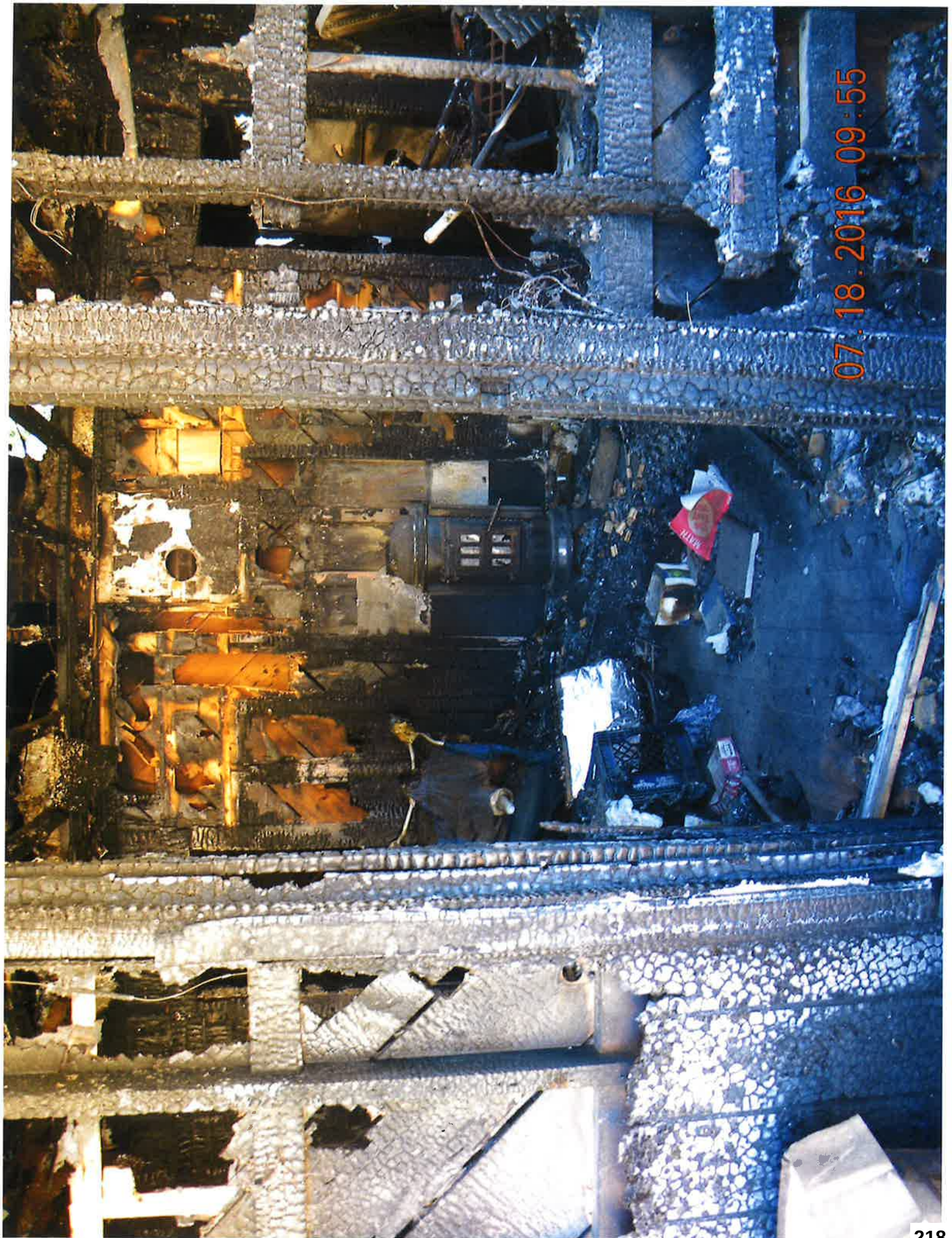
Exhibit 'I'

Photographs printed and included in packets.



07.18.2016 09:54









07.18.2016 09:57



07.18.2016 09:58



07.18.2016 10:00

Exhibit 'I'

Wednesday February 9, 2022

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Wednesday February 9, 2022

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Exhibit 'I'

Wednesday February 9, 2022

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Wednesday February 9, 2022

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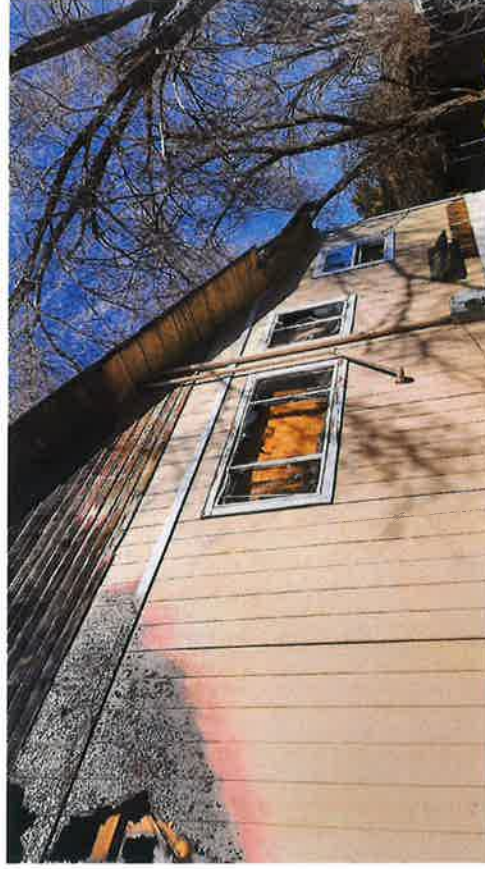


Exhibit 'I'

Wednesday February 9, 2022

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Wednesday February 9, 2022

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Exhibit 'I'

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Exhibit 'I'

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Wednesday February 9, 2022
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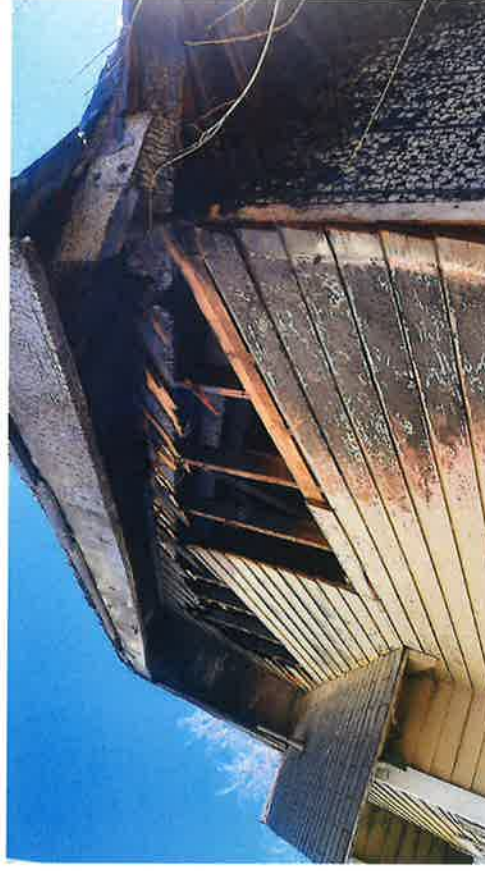


Exhibit 'I'

Wednesday February 9, 2022

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Wednesday February 9, 2022

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Exhibit 'I'

**Tuesday May 3, 2022
10:01 AM**



**Tuesday May 3, 2022
10:01 AM**



Exhibit 'I'

**Tuesday May 3, 2022
10:01 AM**



**Tuesday May 3, 2022
10:02 AM**



Exhibit 'I'

**Tuesday May 3, 2022
10:02 AM**



CITY OF SUSANVILLE
EXHIBIT 'J'

1 Margret E. Long SBN: *227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 Nuisance Abatement Order

11 City of Susanville,

12 Petitioner

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

13 v

14 Daniel Guererro

15 Respondent

16 I. This proceeding was heard:

- 17 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
18 Susanville, CA 96130.
- 19 b. By the Planning Commission of the City of Susanville (also referred to as the
20 Hearing Board or the Board) with the following commissioners of the Planning
21 Commission present: **names of Commissioners present.*
- 22 c. Wayne Jambois presided over the procedure as Chairperson.
- 23 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
24 of Public Hearing" dated April 13, 2022 and served on Respondent Daniel Guererro
25 by Certified Mail on April 13, 2022, and posted on the structure at 765 Shasta
26 Street on April 14, 2022.
- 27 e. Present at the hearing where:
- 28 i. Cody Loflin, Code Enforcement representing the City of Susanville and
ii. **Property Owner* representing himself.

1
2 FINDINGS

3 The Hearing Board makes the following findings.

- 4 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
5 or use property or allow their property to be maintained or used in a manner that creates
6 or fosters the creation of a public nuisance."
7
8 2. Daniel Guererro is the owner of and responsible party for the property located at 765
9 Shasta Street.
10
11 3. Daniel Guererro was properly served with a Notice of Violation on September 3, 2021,
12 service pursuant to City of Susanville Municipal Code section 8.32.060.
13
14 4. Daniel Guererro was properly served with a Notice of Intention to Abate Public Nuisance
15 and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted
16 at 765 Shasta Street on April 14, 2022, pursuant to City of Susanville Municipal Code
17 section 8.32.090.
18
19 5. The condition of the property and certain outbuildings located at 765 Shasta Street is a
20 public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

17 ORDERS

18 The Hearing Board orders the following.

- 19 1. Daniel Guererro must abate the public nuisance at 765 Shasta Street by doing the
20 following at 765 Shasta Street:
21
22 a. In the opinion of the Building Official for the City of Susanville, the conditions of
23 the main residential structure and the accessory building are irreparable, and
24 demolition must commence no later than thirty (30) days from the date of this
25 order and shall be completed no later than sixty (60) days from this order.
26
27 b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, limbs and
28 weeds from the property that had accumulated prior to and as a result of
demolition activities. Must be completed no later than 11:59 pm on June 27, 2022,
which corresponds to the order of the Susanville Fire Chief and Susanville City

1 Council resolution approving the deadline of the city's weed and rubbish
2 abatement efforts.

- 3 2. Daniel Guererro must fully abate this public nuisance no later than July 11, 2022.
- 4 3. Daniel Guererro must obtain any and all required permits that may be required to abate
5 the public nuisance at 765 Shasta Street.
- 6 4. After Daniel Guererro abates the nuisance at 765 Shasta Street, Daniel Guererro must
7 contact the Building and Planning Department at the City of Susanville and request that
8 an official at the City of Susanville inspect the condition of the property and buildings at
9 765 Shasta Street to determine if the public nuisance was abated.
- 10 5. If Daniel Guererro does not abate the public nuisance at 765 Shasta Street by 11:59 pm on
11 July 11, 2022, the City of Susanville may have the property at 765 Shasta Street abated.
- 12 6. If Daniel Guererro do not abate the public nuisance at 765 Shasta Street by 11:59 pm on
13 July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of
14 Susanville Municipal Code shall be assessed as followed:
 - 15 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
16 with.
 - 17 b. Effective from September 3, 2021
 - 18 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
19 costs and interest.
 - 20 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 21 7. All costs of the City's abatement efforts, including the abatement work and administrative
22 time to investigate and to hear and effect the abatement shall be charged against Daniel
23 Guererro as a personal debt or may be assessed upon 765 Shasta Street and will constitute
24 a lien or special assessment upon the property until paid.
- 25 8. This Order shall be effective for one year after issuance. During such period, the hearing
26 board shall retain jurisdiction over the conditions of the building, structure or property
27 which constituted the nuisance established by this Order, as well as the abatement
28 thereof, to ensure that the nuisance does not reoccur and that the building, structure or

1 property is maintained in such a manner so as not to create a nuisance. If, during this one-
2 year period, any enforcement official determines that the same or another nuisance, as
3 defined by this chapter exists with respect to the building, structure or property, he or she
4 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
5 Susanville Municipal Code. If Daniel Guererro does not abate the nuisance at any time
6 within the abatement period, the City may proceed with the abatement itself under the
7 provisions of section 8.32.190 of the City of Susanville Municipal Code without further
8 action of the hearing board. The City of Susanville may also recover all of its abatement
9 effort costs as provided for in the City of Susanville Municipal Code.

10
11 Dated: _____

12 _____
13 Wayne Jambois, Chairperson
14 Susanville Planning Commission
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RESOLUTION NO. 22-1099
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 765
SHASTA 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 conditions of real property upon the lands of 765 Shasta Street have been declared to be a dangerous building and conditions constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 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 765 Shasta Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Daniel Guererro is the owner of record for the property of 765 Shasta 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 765 Shasta Street subject to the terms, agreements, and conditions as follows:

- 1. All structures upon the premises shall be demolished or rehabilitated.
- 2. The commencement of demolition or rehabilitation shall begin within thirty (30) days of the issuance of this order and shall be completed within sixty (60) days of the issuance of this order.
- 3. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property by June 27, 2022.
- 4. Failure to abate the public nuisance, 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 September 3, 2021; 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 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. 22-1099 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.C
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Consider **Resolution No. 22-1100** approving the issuance of a Nuisance Abatement Order for 10 Santa Paula Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The City of Susanville has received multiple complaints regarding the property at 10 Santa Paula Street. Code Enforcement staff has attempted to gain voluntary compliance in abating the declared public nuisances on the property. The public nuisance consists of copious amounts of debris, trash and rubbish upon the property, inoperable vehicles and unsanitary living conditions upon the property. The main structure has been deemed a substandard building pursuant to California Health & Safety Code 17920.3 which constitutes a public nuisance pursuant to our municipal code. Chapter 8.32 of the Susanville Municipal Code provides 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 responsible party of this property to abate the property of all declared nuisances.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve **Resolution No. 22-1100** approving the issuance of a Nuisance Abatement Order

ATTACHMENTS:
[Staff Report - 10 Santa Paula Street.pdf](#)
[Item 4C Exhibit Packet.pdf](#)
[10 Santa Paula Resolution.docx](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 12, 2022

FILE NUMBER	CE#2021-014		
OWNER	Lloyd T. Harvey		
REQUEST	Issuance of a Nuisance Abatement Order		
ASSESSOR'S PARCEL NO.	107-154-005-000		
LOCATION	10 Santa Paula Street		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-2	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1 C-O	Residential Commercial
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The City of Susanville has declared the existence of a public nuisance pursuant to the Susanville Municipal Code upon the property of 10 Santa Paula. The condition of the property places the general public health, safety and welfare as well as the overall appearance and value of the neighborhood at risk. Upon the lands exist a junk yard consisting of copious amounts of discarded debris, trash, rubbish, dilapidated household items and various other items of refuse. The main structure to the building has been declared to be a substandard building as defined by the Susanville Municipal Code and California Health and Safety Code 17920.3. An active "Do Not Occupy" order from the City of Susanville Building Official was issued on January 24, 2022.

The property owner has been notified numerous times regarding the existence of a public nuisance upon his property. Unfortunately, in February 2022, the property owner passed away. The property owner's brother who was listed as the next-of-kin is currently in the custody of the California Department of Corrections and Rehabilitation. Another sibling of the property owner contacted Code Enforcement and stated they were a responsible party and that they would attempt to abate the property of the declared

nuisance. However, this has not occurred and in fact, the property has become more unsanitary and more of a nuisance. This responsible party has cut off all communication with Code Enforcement and has shown no attempts to mitigate the public nuisances that exist upon the property.

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.

- Notice of Violation issued on February 22, 2022, by Cody Loflin, Code Enforcement Officer
- Building “Red Tagged” on January 24, 2022, by Dow Davis, Building Official.
- Notice of Violation issued on November 1, 2022, by Cody Loflin, Code Enforcement Officer
- Notice of Violation issued on October 1, 2022, by Cody Loflin, Code Enforcement Officer
- Notice of Public Nuisance issued on April 30, 2021, by Cody Loflin, Code Enforcement Officer
- Notice of Violation issued on May 25, 2016, by Craig Sanders, City Planner
- Issuance of Abatement Order for the Abatement of an Abandoned, Wrecked, dismantled, or Inoperative Vehicle, issued by the Abandoned Vehicle Hearing Board on October 28, 2014.
- Notice of Violation issued on April 30, 2014, by Craig Sanders, City Planner

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.

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(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)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.
- 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(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, trees, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 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.

Exhibit List

City of Susanville Code Enforcement Hearing Board: Planning Commission

Hearing Date: May 12, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table ParcelQuest Property Information Property Address: 10 Santa Paula Street Name of Property Owner: Lloy T. Harvey	
D	Confidential Code Enforcement Complaint Forms received from the public.	
E	Notice of Violation dated October 1, November 1, 2022, and January 24, 2022, with signed Proof of Service Letter dated February 22, 2022	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated April 19, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from April 19, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 201 Alexander Avenue	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

H	Miscellaneous Documents	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given no less than 10 days (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.52.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the	20	

**DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE**

	Hearing 1. City sends a letter to the Responsible Party giving them no less than 10 days (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be no less than 10 days after the abatement period ends. 5. Service must be by posting notice in conspicuous place on or in front of the building, structure or property in question, as well as personal service on responsible party or registered or certified mail	responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time, date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient; (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	Nuisance Abatement Hearing 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies. 8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development	
4	Decision of Planning Commission 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.		

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

		permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid. 8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.		
5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. <u>Service must be by posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>		5	

CITY OF SUSANVILLE
EXHIBIT 'B'

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ORDINANCE NO. 17-1011
AN ORDINANCE REPEALING AND REPLACING CHAPTERS 1.12 GENERAL PENALTY,
10.22.030 DEFINITIONS, 8.32 ADMINISTRATIVE NUISANCE ABATEMENT AND 8.40
ADMINISTRATIVE CITATIONS AND ADDING CHAPTERS 8.52 PROPERTY
MAINTENANCE, 15.09 NEGLECTED VACANT BUILDINGS AND 15.10 ABATEMENT OF
DANGEROUS BUILDINGS TO THE SUSANVILLE MUNICIPAL CODE

WHEREAS, Susanville City Council has the authority, under its police power, to enact regulation for the public peace, safety, morals and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the Susanville City Council finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the city; and

WHEREAS, the Susanville City Council is committed to protecting the public peace, safety, morals and welfare by providing security and protection to the community from harms and wrongdoings that arise from public nuisances and that certain conditions ; and

WHEREAS, the Susanville City Council has an interest in maintaining the City of Susanville in an orderly and esthetically pleasing condition, to maintain property values and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize 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 finds that City of Susanville's municipal code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City of Susanville proposes amending existing regulations relating to abating public nuisances and recouping the costs related to the enforcement of said regulations as well as adopting new regulations to address the public nuisance stemming from buildings, structures and properties which contribute to neighborhood blight

THE CITY COUNCIL OF THE CITY OF SUSANVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12 General Penalty is hereby repealed and replaced with the following:

1.12 General Penalty

1.12.010 General penalty—Violations.

Civil Actions. The city attorney may bring an action in a court of competent jurisdiction to enjoin a violation of any provision of this code or any other ordinance of the city, or to enforce administrative penalties imposed.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

- 1 A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2 B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the
3 same ordinance, term, or condition within one year from the date of the first violation, or \$500 for
4 a second violation of a building or safety code within one year from the date of the first violation;
5 C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional,
6 violation of the same ordinance, term, or condition within one year from the date of the first
7 violation, or \$1,000 for a third violation of a building or safety code within one year from the date
8 of the first violation;

9 A second or subsequent violation need only be of the same ordinance, term, or condition
10 to require the larger fine, and need not involve the same personnel or property, provided that the
11 same responsible party is cited. The fine amounts shall be cumulative where multiple citations
12 are issued.

13 Wherever in this code or in any other ordinance of the city including codes adopted by
14 reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall
15 be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or
16 imprisonment not to exceed six months.

17 Every day the violation of this code or any other city ordinance continues shall constitute
18 a separate offense.

19 1.12.020 Recovery of attorneys' fees and costs.

20 A. In addition to all other remedies and cost recovery authorized or provided by any
21 provision of this code or any other law, any person violating any provision of this code shall be
22 liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such
23 violation or enforce such person's compliance with this code, including recovery of the city's
24 reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an
25 administrative determination or court order against such person. This section does not apply to
26 public nuisance abatement actions for which attorneys' fees are authorized under subsection B
27 of this section.

28 B. In any action or proceeding brought by the city to abate a public nuisance, the
prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to
Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding
in which the city has elected, at the commencement of such action or proceeding, to seek recovery
of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a
prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action
or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may
pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes,
interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and
any other sum required to be paid under any provision of this code or any other law. Upon giving
advance written notice that the debtor will be subject to collection costs if the debtor does not pay
the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees
and costs associated with the collection of the amount owed regardless of whether the city
pursues said collection through litigation or by any other means. As used herein, "costs" include,
but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs
incurred in the collection action, and those costs set forth in Code of Civil Procedure Section
1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total
amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

1 10.22.030 Definitions.

2 As used in this chapter:

3 A. "Highway" means a way or place of whatever nature, publicly maintained or open
to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

4 B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for
mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical
malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of
5 Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but
is not limited to, a vehicle which cannot be legally driven on any public street or other area due to
6 lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any
other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable
7 vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

8 C. "Owner of the land" means the owner of the land on which the vehicle, or parts
thereof, is located, as shown on the last equalized assessment roll.

9 D. "Owner of the vehicle" means the last registered owner and the last legal owner of
record.

10 E. "Public property" does not include "highway."

11 F. "Vehicle" means a device by which any person or property may be propelled,
moved, or drawn upon a highway except a device moved by human power or used exclusively
upon stationary rails or tracks.

12 **Section 3.** Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced
13 with the following:

14 Chapter 8.32 Administrative Nuisance Abatement

15 8.32.010 Purpose.

16 This administrative nuisance abatement process is intended to enable the city to respond
effectively to public nuisances in order to maintain and protect the public peace, safety, welfare
and order and to provide security and protection to the community from harms and wrongdoings.
17 This process makes available an alternative remedy to instituting a civil suit to enjoin public
nuisances by authorizing the administrative body to impose orders and conditions to abate and
18 halt public nuisances.

19 8.32.020 Applicability.

20 A. This chapter provides for administrative abatement of public nuisances, which is
in addition to all other legal remedies, criminal or civil, which the city may pursue to address any
21 public nuisance.

22 B. The use of this chapter shall be at the sole discretion of the city.

23 C. The city may proceed to abate a public nuisance under this chapter against any or
all persons responsible for creating or fostering the creation of the public nuisance, without regard
to whether or not the person owns the property upon which the public nuisance is occurring.

24 8.32.030 Definitions.

25 A. "Hearing Board" means the planning commission of the city of Susanville sitting as
the hearing board of the city of Susanville, or its successor, or such other board or commission of
the city that the city council may, by resolution, authorize to perform the functions of the hearing
26 board under this chapter.

27 B. "Responsible Party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
28 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

any business, company, or entity subject to this chapter; any person or the parent or legal guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit, entitlement, review, or agreement described.

8.32.040 Public nuisance prohibited.

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.

8.32.050 Public nuisance defined.

For purposes of this chapter, a public nuisance means any of the following:

A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:

1. Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code;

2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.

4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:

1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;

2. A failing private sewage disposal system;

3. An unprotected excavation or an abandoned and uncovered well; or

4. A well with a casing not sealed as required by applicable regulations.

C. A condition of real property or a 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:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;

2. An abandoned and dilapidated building or portion of a building; or

3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.

4. The maintenance of property in the city in violation of chapter 8.52 of this code.

5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter 10.22 of this code.

D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:

1. An unfenced or otherwise unenclosed outdoor swimming pool; or

2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
period expires.

5 8.32.100 Right of entry procedures

6 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
7 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
8 there is reasonable cause to believe that there exists a violation of any provision of such
9 ordinance, resolution or code in any building, or upon any premises, or whenever any
10 enforcement official of the city has reasonable cause to believe that any building or premises is
11 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
resolution or code, an enforcement official of the city may enter such building or premises at a
reasonable time to inspect the same and to perform any duty imposed upon such official by any
provision of such ordinance, resolution or code. However, except in emergency situations, when
consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
enforcement official shall give notice as follows:

12 1. If the building or premises is occupied, the enforcement official shall first present to
13 the occupant city-issued credentials that include the enforcement official's name, position, title,
and photograph. The enforcement official shall then request entry at a time convenient to the
occupant within 24 hours of the time of the request;

14 2. If the building or premises is unoccupied, the enforcement official shall first make a
15 reasonable effort to locate the owner or other person having charge or control of the building or
16 premises, and if located, the enforcement official shall present credentials to the owner or other
person and then request entry at a time convenient to such owner or other person, but within 48
hours of the entry request;

17 3. If the owner or other person is located outside of the city, the enforcement official may
18 notify that person by telephone or letter, and in doing so shall transmit sufficient information to
19 identify the enforcement official's capacity to the owner or other person and may request entry at
a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

20 If entry is refused by the occupant, the owner, or other person having charge or control of the
21 building or premises, or the enforcement official, after making a reasonable effort, cannot locate
22 the owner, or other person having charge or control of the building or premises, so as to request
entry, then the enforcement official may seek and obtain an administrative inspection warrant
pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

23 B. Any enforcement official of the city or a duly authorized representative or agent of the
24 city may enter upon a property to access the exterior of the building or structure for the purpose
of posting or serving notice.

25 8.32.110 Service of notices and order to abate.

26 Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
27 or other items as required under this chapter shall be made by posting a notice in a conspicuous
28 place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

17 8.32.200 Record of cost for abatement; notice of cost hearing.

18 The city finance manager, the enforcement official or such other city official as may be
19 designated shall keep an account of all costs incurred by the city in abating nuisances on each
20 separate lot or parcel of land where the work is done and shall render a written itemized report to
21 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
22 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
23 demolition or removal of said premises, building or structures, including any salvage value relating
24 thereto and any incidental expenses; provided that before said report is submitted to said city
25 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
26 with a notice of the time when said report shall be heard by the City Council for confirmation; a
27 copy of said report and notice shall be served upon the owners of said property, in accordance
28 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
the same to the city council; proof of said posting and service shall be made by affidavit filed with
the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
preparation of specifications the preparation and award of contracts, all costs of inspecting any
work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

8.32.210 Cost report – Hearing and proceedings.

At the time and place fixed for receiving and considering the cost report, the city council
shall receive, hear and consider the report, together with any other relevant evidence, objections,
protests or testimony. Thereupon, the Council may make such revision, correction or modification
to the report as it may deem just after which, by resolution, the details of the report, as submitted
or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
27 - Commencement of foreclosure action.

28 When directed to do so by the city council, the city attorney shall commence an action in
a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
11 to accrue on the date the nuisance abatement order has been complied with as determined by
the city attorney or the board.

12 D. Penalties assessed by the board shall be due by the date specified in the nuisance
abatement order.

13 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
14 against the subject real property.

15 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
attorney that the nuisance abatement order has been complied with and if the city attorney finds
17 that compliance has been achieved, the date that the written notice was postmarked or personally
delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
18 shall be deemed to be the date of compliance with the nuisance abatement order.

19 8.32.300 Violations.

20 A. Any responsible party who maintains any public nuisance defined in this chapter and
who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
or with any person who owns, leases, occupies or has charge or control over any building,
25 structure or property when any of the aforementioned individuals are lawfully engaged in
proceedings involving the abatement of a nuisance under this chapter may be charged with either
26 an infraction or a misdemeanor.

27 8.32.310 Interest.

1 Any person who fails to remit payment to the city of any penalty, cost or any other charge
2 required to be paid to the city pursuant to a nuisance abatement order under this chapter on or
3 before the date the penalty, cost or other charge is due shall, in addition to the amount of the
4 penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum,
pro-rata, from the date on which the amount due first became delinquent until the date that
payment is received by the city.

5 8.32.320 Report of compliance after nuisance abatement order.

6 If the enforcement official determines that compliance with the nuisance abatement order
7 has been achieved, the enforcement official shall file a report with the city clerk acting as secretary
of the hearing board indicating that compliance has been achieved and the date of the city's final
inspection of the subject property.

8 8.32.330 Compliance dispute.

9 A. If the enforcement official does not file a report pursuant to Section 8.32.340, a
10 person subject to the nuisance abatement order who believes that compliance has been achieved
may request a compliance hearing before the hearing board by filing a request for a hearing with
the secretary of the board.

11 B. The hearing shall be noticed and conducted in the same manner as a hearing on
an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

12 C. The hearing board shall determine if compliance with the nuisance abatement
order has been achieved and, if so, when it was achieved.

13 **Section 4.** Chapter 8.40 Administrative Citations is hereby repealed and replaced with the
14 following:

15 CHAPTER 8.40 Administrative Citations

16 8.40.10 Purpose.

17 This chapter provides for administrative citations in addition to all other civil remedies and
18 as an initial alternative to any criminal remedy which may be pursued by the city to address any
19 violation of this code. The use of this chapter shall be at the sole discretion of the city. The use
of any other enforcement proceedings provided for by this code shall not be considered a
prerequisite for the use of this chapter, nor shall the use of this chapter be considered a
prerequisite for the use of any other enforcement proceedings.

20 A. The City Council hereby finds that an appropriate method of enforcement is the
21 imposition and collection of administrative fines as independently authorized by both California
Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section
53069.4.

22 B. The City Council further finds and determines that enforcement of the Susanville
23 Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements,
permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the
24 police power is a matter of public health, safety and welfare and serves important public purposes.
The City of Susanville adopts this administrative citation program in order to achieve the following
goals:

- 25 1. To protect the public health, safety and welfare of the City and its citizens;
26 2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and
27 regulations of the City enacted pursuant to its police powers, and the conditions of approval of
permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers
28 in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
11 entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
14 environmental review, or any term or condition of any agreement with the City made pursuant to
the police power may be issued an administrative citation by an enforcement official as provided
in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
15 violations of that code and all uncodified ordinances. A violation of a condition of approval of a
permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
16 use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
17 right-of-way permit. A violation of a condition of approval of an environmental review includes,
but is not limited to, any environmental impact report, mitigated negative declaration, negative
18 declaration, or determination of categorical exemption. A violation of a term or condition of any
agreement with the City made pursuant to the police power includes, but is not limited to, any
19 development agreement, owner participation agreement, disposition and development
agreement, road maintenance agreement, any easement, license, or other real property use
20 agreement, or any agreement made with the city to implement any ordinance, plan, permit,
entitlement, or review approved by the City.

21 B. Each and every day a violation exists constitutes a separate and distinct offense.
22 A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
26 administrative citation until the responsible party for a violation has first been given notice of the
violation and an opportunity to correct the violation, in accordance with the procedures set forth
27 in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
28 of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
chapter shall be deemed served when made in writing and either personally delivered to the
17 responsible party for the violation or deposited in the United States mail, first class postage
prepaid, addressed to such responsible party at their last known address. However, if a citation
18 or notice is required to be served on the owner of property, it shall be deemed served when made
in writing and deposited in the United States mail, addressed to the owner at the owner's address
19 as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
addition, the administrative citation shall be posted on the real property that is the subject of the
20 violation. Service of a citation or notice by mail in the manner provided for by this section shall be
effective on the date of mailing, and the failure of any person to actually receive any citation or
21 notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
24 of this code, the enforcement official shall issue a written notice of violation to any responsible
party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 25 A. The date and location that the violation was observed;
- 26 B. The section of this code violated and a description of the violation;
- 27 C. The actions required to correct the violation;
- 28 D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

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2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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 thirty (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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
8 satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

9 E. If the finance manager determines not to issue an advance deposit hardship
10 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
11 decision.

12 F. The finance manager shall issue a written determination listing the reasons for his
13 or her determination to issue or not issue the advance deposit hardship waiver. The written
determination of the finance manager shall be final and shall be served upon the person who
14 applied for the advance deposit hardship waiver.

15 8.40.120 Hearing Board.

16 The "hearing board" for administrative citations shall be the same as defined in section
17 8.32.030 of this code.

18 8.40.130 Hearing procedure.

19 A. No hearing to contest an administrative citation before the hearing board officer
20 shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

21 B. A hearing before the hearing board officer shall be set for a date that is not less
22 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
is filed in accordance with the provisions of this chapter.

23 C. At the hearing, the administrative citation and any written report submitted by the
24 enforcement official shall constitute prima facie evidence of the respective facts contained in the
citation. Both the party contesting the administrative citation and the enforcement official shall be
25 given the opportunity to testify and to present additional evidence concerning the administrative
26 citation. Such evidence may include the testimony of other witnesses, or the introduction of
documents or other evidence. Such testimony, written documents, or other evidence sought to
27 be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
it shall be relevant and material to the issues of whether the violation alleged in the citation
28 occurred and whether the person cited committed, caused or was responsible for the violation.
Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
accordance with the fundamentals of due process. The hearing board may limit the total length of
the hearing to one hour, and shall allow the appellant at least as much time to present its case as
is allowed the city.

D. The failure of any recipient of an administrative citation to appear at the
administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

E. The administrative citation and any additional report submitted by the enforcement
officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

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2 8.40.180 Procedural compliance.

3 Failure to comply with any procedural requirement of this chapter, to receive any notice or decision
4 specified in this chapter, or to receive any copy required to be provided by this chapter shall not
affect the validity of proceedings conducted hereunder unless the responsible party is denied
constitutional due process thereby

5 **Section 5.** Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code
6 as follows:

7 Chapter 8.52 Property Maintenance

8 8.52.010 Purpose and Intent of chapter.

9 It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to
10 any other remedy available by law or equity, whereby lands or buildings which are dilapidated,
11 unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles,
12 machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health,
13 morals, property values, aesthetic standards, or the general welfare of the city, may be required
14 to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive
15 conditions.

16 Additionally the purpose of this chapter is to provide minimum standards for the maintenance of
17 property in the city. Where this chapter imposes a greater restriction upon property or structures
18 thereon than is imposed or required by existing provisions of law, ordinance, contract or deed,
19 the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate,
20 annul or in any way impair or interfere with existing provisions of other laws or ordinances or with
21 private restrictions placed upon property by covenant, deed or other private agreement or with
22 restrictive covenants running with the land to which the city is a party.

23 8.52.020 Responsibilities for property maintenance.

24 Every owner, lessee, occupant or person having charge or control of buildings, structures or
25 property within the city is required to maintain the buildings, structures or property in a manner so
26 as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having
27 charge or control of the building, structure or property remains liable for violations hereof
28 regardless of any contract or agreement with any third party regarding the same. The duty
imposed by this section on an owner shall in no instance relieve those other persons referred to
herein from the same duty.

8.52.030 Classification of nuisances.

The following acts and conditions, when performed or existing upon any lot or parcel of land within
the city, are declared to be unlawful and are defined as and declared to be public nuisances which
are injurious or potentially injurious to the public health, safety and welfare, which have a tendency
to degrade the appearance and property values of surrounding property and/or which cause
damage to public rights-of-way:

A. Structures or buildings, both permanent and temporary, or other lot improvements
including buildings or sheds exempt from obtaining a building permit, which are subject to any of
the following conditions:

1. Faulty weather protection, including, but not limited to, the following:

- 1 a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding
2 of any kind, roofs, foundations or floors;
3 b. Broken, damaged or missing windows or doors; and
4 c. Painted or unpainted surfaces suffering from dry rot, warping or termite
5 infestation;
6 2. Building or structures which are under construction or rehabilitation and are not
7 completed within a reasonable time or whose building permit for such construction or
8 rehabilitation has expired;
9 3. Fences or walls which are in a hazardous condition, which are in disrepair or which
10 hinder free access to public sidewalks or rights-of-way or are maintained in such a
11 condition to have a tendency to degrade the appearance and property values of
12 surrounding property. All fencing, including gates shall be maintained in sound condition
13 free of damage, breaks, or missing structural members. Areas that are leaning, buckling,
14 sagging, or deteriorating shall be repaired or replaced with material compatible with the
15 undamaged portions of the fence. Where fencing has been painted and it shall be
16 maintained and kept free of chipping, peeling, scaling or missing paint;
17 4. Substantial deterioration of porches, landings, patios, stairways or guardrails which,
18 although not otherwise constituting an unsafe structure as defined in this code, are visible
19 from public rights-of-way or neighboring properties and are injurious or potentially injurious
20 to the public health, safety and welfare or have a tendency to degrade the appearance
21 and property values of surrounding property;
22 5. Broken or defective elements of a building, structure, parking lot or landscaped area
23 which are injurious or potentially injurious to the public health, safety and welfare or have
24 a tendency to degrade the appearance and property values of surrounding property;
25 6. Litter, debris or abandoned personal property scattered in the interior of a vacant or
26 unoccupied building or structure in such a manner as to create a fire hazard, health hazard
27 or other condition which is injurious or potentially injurious to public health, safety and
28 welfare;
- B. Vegetation, trees, landscaping or other plant materials which are subject to any of
the following conditions:
1. Overgrown or in such a condition that they are or are likely to:
- a. Harbor rats, vermin or other vectors;
b. Provide a harboring place for vagrants or other persons;
c. Which encroaches into, over, or upon any public right-of-way, including, but not limited
to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or
property or any impediment to public travel; or
d. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
e. Create a fire hazard as determined by the fire chief or duly authorized agent.
2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely
to:
- a. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
b. Create a fire hazard or health hazard;
- C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational
vehicles, wood splitters or other similar vehicles and equipment on residentially used property is
prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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 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;

- 1 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal,
2 tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling
3 containers or as may be permitted by this code or the zoning classification of the property;
- 4 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
5 of Chapter 10.22 of this code;
- 6 7. Outdoor storage or scattering of materials, equipment or other items on residentially
7 used property which is not typically associated with such use, which is inconsistent with
8 the zoning classification of the property and which creates a fire hazard or health hazard
9 or which is otherwise injurious or potentially injurious to the public health, safety and
10 welfare;
- 11 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 12 F. Packing boxes or similar storage containers which are stored in yards or unenclosed
13 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
14 are otherwise injurious or potentially injurious to the public health, safety and welfare;
- 15 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
16 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
17 public property;
- 18 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
19 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
20 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
21 paved driveway if a paved driveway has been developed on the property or on an existing gravel
22 driveway if the property was developed prior to the requirement for a paved driveway;
- 23 I. To allow or permit graffiti to remain on any building, fence, wall, structure, sign or
24 vehicle when visible to the public street, highway, right-of-way or public place for more than 1
25 week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure,
26 mark or design that is written, marked, etched, scratched, drawn or painted on any surface in
27 violation of this code or other state or local law;
- 28 J. Signs constructed, erected or maintained in violation of the provisions of Chapter
17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition
or its location, is injurious or potentially injurious to the public health, safety and welfare or has a
tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any
purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.
- 8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter
8.32 of this code or the issuance of an administrative citation as provided for in chapter 8.40.

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
are a major cause and source of blight in both residential and nonresidential neighborhoods,
10 especially when the owner of the building fails to actively maintain and manage the building to
ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
11 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
occupation. The use of vacant buildings by transients, who may employ primitive cooking or
12 heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
buildings, whether or not those buildings are boarded, discourage economic development and
13 retard appreciation of property values. It is the responsibility of the owner to prevent owned
property from becoming a burden to the neighborhood and community, and a threat to the public
14 health, safety and welfare.

15 The City Council also finds that because of the potential economic and public health,
safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
16 buildings so that they do not become attractive nuisances, are not used by vagrants or
trespassers, are properly secured and maintained, and do not become a blighting influence in the
17 neighborhood. City departments involved in such monitoring include the police department, fire
department, planning and building division and engineering division. There is a substantial cost
18 to the city for monitoring vacant buildings which should be paid by the owners of the vacant
buildings. The city has established the vacant building monitoring program to accomplish this
19 purpose.

20 The purpose of this chapter is to require that vacant dwellings and buildings within the
incorporated limits of the City of Susanville are maintained to certain minimum standards and
21 suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
22 appreciable periods of time do not become public nuisances.

23 15.09.020 – Remedies for violation.

24 A building that is vacant or vacant and boarded in violation of this chapter is a public
nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
25 set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

26 The remedies, procedures and penalties provided by this chapter are cumulative to each other
and to any others available under state law or other city ordinances. The imposition of a vacant
27 building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.
28

1
2 Any person violating the provisions of this chapter may be charged with either an infraction for
3 each day such violation continues or with a misdemeanor. In addition to the remedies provided
4 herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of
5 this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

6 15.09.030 - Vacant and neglected vacant building.

7 A. "Vacant building" means any building or structure, or unit in a building or structure,
8 which is unoccupied or occupied by unauthorized persons. The definition includes without
9 limitation, buildings or structures of any nature intended for human habitation, occupation or use
10 and includes manufactured housing or mobile homes. A neglected vacant building is a vacant
11 building which is not maintained in accordance with the provisions of this chapter.

12 B. A building or structure, or unit in a building or structure, is not deemed to be vacant
13 for purposes of this chapter if:

14 1. The building is the subject of an active building permit for improvement, repair or
15 rehabilitation and the owner is progressing diligently to complete the repair or
16 rehabilitation.

17 2. The building or structure meets minimum building code standards, does not otherwise
18 constitute a public nuisance, is ready for use or occupancy and/or is actively being offered
19 for sale, lease or rent; or

20 3. The building or structure, including the premises on which it is located, does not
21 otherwise constitute a public nuisance and is not likely to become a public nuisance
22 because it is being actively maintained and monitored. Active maintenance and monitoring
23 shall include:

24 a. Maintenance of landscaping and plant materials in good condition;

25 b. Maintenance of the exterior of the building or structure, including, but not limited to,
26 its paint and finishes, in good condition;

27 c. Regular removal of all exterior trash, debris and graffiti;

28 d. Maintenance of the building or structure in continuing compliance with all applicable
codes and regulations;

e. Active prevention of all criminal activity on the premises, including, but not limited to,
use and sale of controlled substances, prostitution and criminal street gang activity,
loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire,
flood, earthquake, or other form of natural disaster and the owner provides evidence to
the city that he or she is actively pursuing assistance for demolition, rehabilitation or
restoration of the building and/or premises from local, state or federal assistance programs
or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant
building to maintain, or cause or permit the maintenance of the vacant building as a neglected
vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a
condition which does not create a hazard to public health or safety.

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15.09.060 - Fire safety standards.

A. All vacant buildings shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which may constitute a fire hazard.

B. No vacant building or portion thereof shall be used for the storage of hazardous, combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

C. Heating facilities maintained in accordance with applicable codes. If heating equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in accordance with applicable codes and ordinances and the water supply to the building turned off to prevent burst water pipes in freezing weather conditions.

D. The street address of the building shall be posted and shall be visible from the street.

15.09.07 - Security standards.

A. All vacant buildings shall be maintained in a way which secures it from any unauthorized entry.

B. The owner or responsible agent of a vacant building which has remained unoccupied for a period of more than thirty days and which has suffered from vandalism, broken windows, broken doors or which had an unauthorized entry must repairs such damage within 15 days of becoming aware of such damage. Alternately, the owner or responsible agent may provide security which is adequate to prevent further deterioration and/or unauthorized entry for a time period of up to 6 months. After 6 months the building must un-boarded and actively maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly monitoring fee described in section 15.09.120 shall be applied to the property.

Methods of securing the building or structure must meet or exceed the following minimum standards or equivalent standards as determined by the city building official.

1. Windows. Windows and similar openings shall be boarded with exterior grade plywood of minimum thickness three-fourths inch (to be consistent with door security standards) or its equivalent. Vent holes may be required, as deemed necessary by the building official. The plywood shall be secured in place, as a minimum standard, by a set of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large washers at each end. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two such cross members shall be used on each window. Each cross member shall be a continuous piece of lumber, and each should extend approximately one foot past the window opening in each direction unless interior condition limit such extension. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and into each unit of the building. If an existing door is operable but lacks an operable locking mechanism it may be used and secured with a suitable lock such as a hasp and minimum

1 two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-
2 half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and
3 frame(s) have been damaged, the main exterior (required) residential exit door(s) and all
4 commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum
5 thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum
6 one-eighth-inch clearance at each edge from the door jambs and threshold. The existing
7 door should be removed. The plywood shall, as a minimum standard, be attached to three
8 Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-
9 eighths-inch carriage bolts and matching hardware, with nuts located on the interior side
10 of the structure. The plywood shall be attached to the door entry with three case-hardened
11 strap hinges located at quarter points and the plywood shall be secured by two case-
12 hardened steel hasps located at third points on the strike side of the door and minimum
13 two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall
14 be the nonreversible type that do not give a purchase for pliers or pry bars. All other
15 unsecured residential doors providing exterior access shall be removed and be secured
16 in the same fashion as windows noted above.

17 3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing
18 pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked
19 with the existing garage lock or a newly installed one. In an attached garage it is
20 acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-
21 four lumber through the overhead mechanism on the inside of the door. The two-by-four
22 shall be long enough to go through both sides of the mechanism or shall be nailed in place
23 on the inside so that it cannot fall out. Secondary garage entrances to the outside of the
24 garage shall be secured with strong-backed plywood as described for windows above.
25 Access doors between the house and attached garage need not be boarded. Detached
26 garages shall be secured as separate structures.

27 4. All materials used to cover and secure window door or other openings shall be
28 painted to match or complement the color of the main structure.

5. The property owner shall obtain a building permit for work done under this section and
an inspection of the work shall be performed by the city.

15.09.080 - Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris,
combustible materials, litter and garbage.

15.09.090 - Appearance.

A. All vacant buildings must be maintained in a manner which minimizes the
appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this
code.

B. All exterior surfaces, including any boarded windows or doors shall be applied with
sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a
sufficient appearance of repair. If the building is subject to an existing use permit all conditions
related to maintenance of the exterior of the structure or parcel on which the building is located
shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept
in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
11 chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
12 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
13 building is in violation of this chapter. The fee shall be payable as to any building, residential or
14 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

15 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
16 owner of the property. Notice shall be served either personally, by first class mail, or by certified
17 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
18 known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
19 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
20 monitoring program. The hearing board may waive the fee and enrollment if the property owners
21 can show that any of the conditions listed in section 15.09.030 B.3 are applicable to the
22 building or structure. The owner shall provide substantial evidence supporting the grounds for the
23 waiver. After conducting the hearing and finding that the property is subject to the vacant building
24 monitoring program, the hearing board shall direct that a bill be sent to the property owner with
25 the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
26 that notice shall constitute enrollment in the vacant building monitoring program.

27 D. The owner of a vacant building shall not allow or cause any use of the property or
28 any buildings thereon unless the property owner has first corrected the violations which caused
placement into the program and has paid the required quarterly monitoring fee, as well as any
other penalties or fines owed to the city.

24 E. Within 15 days of the decision by the hearing board to bill for the vacant building
25 monitoring program fee, the city administrator or his/her designee shall file in the office of the
26 county recorder a notice that the building is subject to the vacant building monitoring program fee
and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

15.10.040 Scope.

This chapter shall apply and govern in those situations where insufficient time exists due
to imminent threat of substantial danger to the public health, safety and welfare to invoke the
procedures of notice and hearing provided for in the California Building Code, Uniform Housing
Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
adopted by the City of Susanville Municipal Code.

15.10.050 Definition.

The term "dangerous structure" as used in this chapter means any building which is
considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
also means any other structure, whether man-made or a condition of nature, which presents an
imminent threat of substantial danger to public health, safety and welfare. Such threat may be

1 presented by, but is not limited to, situations where a structure, or some part thereof, is likely to
2 collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure
3 falling within the definition of "dangerous structure" under is declared a public nuisance.

4 15.10.060 Determination of condition—Order of abatement.

5 The city administrator, with the advice of the building official and such other persons he or
6 she chooses to consult, shall make the determination whether a structure constitutes a
7 "dangerous structure" as hereinabove defined. As an exception to this procedure, the building
8 official is hereby authorized to make said determination in those circumstances where, in his sole
9 discretion, he concludes that an emergency situation exists requiring immediate abatement and
10 that delay to consult with the city administrator would cause substantial risk to public health, safety
11 and welfare. Summary abatement, without the necessity of prior notification to anyone other than
12 occupants of the structure, may be immediately ordered by the city administrator or the building
13 official, whichever has made the determination that a dangerous structure exists. In the event the
14 building official has made the determination and ordered summary abatement, he shall
15 immediately thereafter report to the city administrator as to the situation. If summary abatement
16 is to be accomplished by contract, the building official need not obtain formal bids but may award
17 the contract on the basis of informal solicitations.

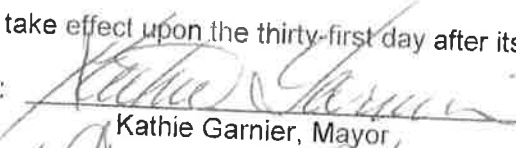
18 15.10.070 Effect on existing law.

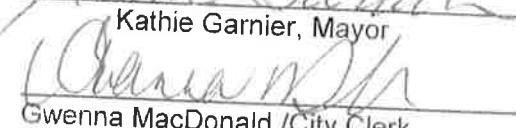
19 Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any
20 power or authority for ordering summary abatement of dangerous and hazardous conditions
21 invested in the City of Susanville fire chief under the California Fire Code or other provisions of
22 law.

23 **Section 8.** The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be
24 published at least once in the Lassen County Times, an adjudicated newspaper of general
25 circulation, published and circulated within the City.

26 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
27 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
28 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
declared that this Ordinance and each section, subsection, clause and phrase hereof would have
been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or
more other sections, subsections, sentences, clause or phrases be declared invalid or
unconstitutional.

Section 10. This Ordinance shall take effect upon the thirty-first day after its final passage.

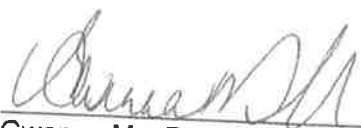
APPROVED: 
Kathie Garnier, Mayor

ATTEST: 
Gwenna MacDonald / City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	Notification of Nuisance 1. Manner Served: CERTIFIED MAIL 2. Served On: Lloyd Harvey, Kevin Harvey 3. Date of Service: November 1, 2021 4. Compliance Deadline Stated in Notice: December 1, 2021	10	30	11-1-21	12-1-21	1-1-22
2	Notice of Intent to Abate and Notice of Public Hearing 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: APRIL 19, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): MAY 1, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 12, 2022 5. Date Notice Posted at Property: APRIL 19, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: APRIL 19, 2022	20	22	4-19-22	5-1-22	5-13-22
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 12, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	10	10	4-19-22	5-12-22	5-13-22
4	Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	5	5			
5	Appeal Abatement Order 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: 10 Santa Paula St Owner's Name: Lloyd Harvey Phone No.: Tenant ☐ Yes or ☒ No Deceased - RKO TAG



LIST 1
DETAIL

☒ 1 Property Address: 10 SANTA PAULA ST SUSANVILLE CA

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-154-005-000**
 Parcel Status: **ACTIVE**
 Owner Name: **HARVEY LLOYD T**
 Mailing Address: **P O BOX 101 STANDISH CA 96128**
 Legal Description: **10 SANTA PAULA ST**

Assessment

Total Value: \$65,135	Use Code: N1XX	Use Type: RESID. SINGLE FAMILY
Land Value: \$18,828	Tax Rate Area: 001-033	County Zoning:
Impr Value: \$46,307	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$651.46	Price/SqFt:
% Improved: 71%	Delinquent Yr:	
Exempt Amt: \$7,000	HO Exempt: Y	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				06/09/2016
Document Number:				2016R0002621
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area: 940	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built: 1925		Ag Preserve:
Effective Year: 1925		





LIST 1
DETAIL

☒ 1 Property Address: 10 SANTA PAULA ST

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-154-005-000**
 Parcel Status: **ACTIVE**
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Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area: 940	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built: 1925		Ag Preserve:
Effective Year: 1925		



LIST 1
DETAIL

☒ 1 Property Address: 10 SANTA PAULA ST

CE# 2021-014

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-154-005-000**
 Parcel Status: **ACTIVE**
 Owner Name: **HARVEY LLOYD T**
 Mailing Address: **P O BOX 101 STANDISH CA 96128**
 Legal Description: **10 SANTA PAULA ST**

Assessment

Total Value:	\$64,468	Use Code:	N1XX	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$18,635	Tax Rate Area:	001-033	Zoning:	
Impr Value:	\$45,833	Year Assd:	2020	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	71%	Delinquent Yr:			
Exempt Amt:	\$7,000	HO Exempt:	Y		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				06/09/2016
Document Number:				2016R0002621
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	3	Fireplace:	Units:	1
Baths (Full):	2	A/C:	Stories:	2.0
Baths (Half):		Heating:	Quality:	
Total Rooms:		Pool:	Building Class:	
Bldg/Liv Area:	940	Park Type:	Condition:	
Lot Acres:	0.110	Spaces:	Site Influence:	
Lot SqFt:	4,817	Garage SqFt:	Timber Preserve:	
Year Built:	1925		Ag Preserve:	
Effective Year:	1925			

CITY OF SUSANVILLE
EXHIBIT 'D'

CITY OF SUSANVILLE
EXHIBIT 'E'

City of Susanville
Proof of Service
[Non-judicial Action]

On 2-11-2022 (date), I served the foregoing document(s) described as:

Letter dated 2-11-2022

All correspondence from file.

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Lloyd Harvey

472-450 Chappis Ln

Standish CA

96128

[☒] (By U.S. Mail) I deposited such envelope in the mail at

Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[☐] (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

[☐] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 2-11-22

Cody L. Smith
Printed Name of Person Serving Documents

Cody L. Smith
Signature of Person Serving Documents



City of Susanville

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

February 11, 2022

Lloyd Harvey
472-450 Chappuis Lane
Standish, CA 96128

Re: 10 Santa Paula Street, Susanville, CA 96130
Notice of Violations / Substandard Dwelling/ Accrual of Fines
Code Enforcement Case CE#2021-014

The City of Susanville has been attempting to notify the property owner regarding the condition of the property located at 10 Santa Paula Street within the incorporated city limits of Susanville. The City of Susanville has been attempting to notify and gain compliance in abating multiple violations of the Susanville Municipal Code and the California Health & Safety Code.

You may contact me at (530) 260-6099 so that we may begin to resolve this issue.
Thank you for your cooperation.

Best regards,

Cody Loflin
Code Enforcement Officer
City of Susanville

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

City of Susanville
Proof of Service
[Non-judicial Action]

On January 24, 2022 (date), I served the foregoing document(s) described as:

Notice of Violation.

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Lloyd Harvey

Po Box 101

Stendish CA

96128

☒ (By U.S. Mail) I deposited such envelope in the mail at

Susanville

(city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 1-24-22

Cody Loftin

Printed Name of Person Serving Documents

Cody Loftin

Signature of Person Serving Documents



City of Susanville

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

Notice of Violation – Declaration of Substandard Building

January 24, 2022

Lloyd Harvey
PO Box 101
Standish, CA 96128

RE : 10 Santa Paula St., Susanville, CA 96130 **APN :** 107-154-005-000

To Mr. Lloyd Harvey:

The City of Susanville has declared said property as a public nuisance relating to the City of Susanville Property Maintenance Ordinance. The violations of the ordinance have not been addressed and the property is currently being assessed fines in the amount of \$500 per day. As of today, the Building Official has deemed the residential structure on the property as a substandard dwelling pursuant to California Health & Safety Code section 17920.3. Subsequently, the Building Official has issued a DO NOT OCCUPY order for the residence. The Susanville Municipal Code identifies all substandard buildings as a public nuisance.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein immediately.

Based on a current site inspection on January 24, 2022, of the property located at 10 Santa Paula St., the following violations were observed:

- 8.52.030(A) SMC: Property Maintenance / Windows & Doors
- 8.52.030(B) SMC: Property Maintenance / Landscaping
- 8.52.030(C) SMC: Property Maintenance / Vehicles
- 8.52.030(D) SMC: Property Maintenance / Attractive Nuisance
- 8.52.030(E) SMC: Property Maintenance / Trash & Debris
- 8.52.030(M) SMC: Maintain Substandard Dwelling
- 17920.3 HSC: Substandard Dwelling
- Property Maintenance Ordinance to be attached as separate document.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein immediately.

Actions to Correct Violations:

1. Anyone occupying the residence must immediately vacate and cannot return to residence until given permission to do so by the Building Official.
2. All trash & debris shall be removed from the property
3. All vehicles in an abandoned, dismantled, non-operative, wrecked state shall be removed from the property
4. All damaged windows and doors will need to be replaced. These repairs may be subject to permitting requirements. Please inquire with the Building Department prior to any work.
5. Any unpermitted work must stop, and permits shall be obtained.
6. Repair damaged sections of fencing.
7. Correct any other violation of the Susanville Municipal Code and California State Law
8. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated immediately which corresponds to no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer

City of Susanville
Proof of Service
[Non-judicial Action]

On November 1, 2021 (date), I served the foregoing document(s) described as:

Notice of Violation - Issuance of Citation

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

<u>Lloyd Harvey</u>	_____
<u>P.O. Box 101</u>	_____
<u>Stanford, CA 96128</u>	_____
_____	_____

☒ (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 11-1-21

Cody Griffin
Printed Name of Person Serving Documents

Cody Griffin
Signature of Person Serving Documents



City of Susanville

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

Notice of Violation and Issuance of Administrative Citation Property Maintenance Ordinance

November 1, 2021

Lloyd Harvey
PO Box 101
Standish, CA 96128

RE : 10 Santa Paula St., Susanville, CA 96130 **APN :** 107-154-005-000

To Mr. Lloyd Harvey:

The City of Susanville has attempted to gain compliance with a property you own. Notices were mailed on April 30, 2021 and October 1, 2021. The City of Susanville has not seen compliance in this matter and therefore will begin assessing fines. The City of Susanville will implement the General Penalty Schedule pursuant to Chapter 1.12 and assess fines as such. Please note these fines will accrue daily until compliance is met with your property.

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping and on-site storage. Under this ordinance every owner, lessee, occupant or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder from their duty to maintain certain aspects of the property.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein immediately.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

Based on a current site inspection on November 1, 2021, of the property located at 10 Santa Paula St, the following violations were observed:

- 8.52.030(A) SMC: Property Maintenance / Windows & Doors
- 8.52.030(B) SMC: Property Maintenance / Landscaping
- 8.52.030(C) SMC: Property Maintenance / Vehicles
- 8.52.030(D) SMC: Property Maintenance / Attractive Nuisance
- 8.52.030(E) SMC: Property Maintenance / Trash & Debris
- 8.52.030(M) SMC: Maintain Substandard Dwelling
- 17920.3 HSC: Substandard Dwelling
- Property Maintenance Ordinance to be attached as separate document.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein immediately.

Actions to Correct Violations:

1. All trash & debris shall be removed from the property
2. All vehicles in an abandoned, dismantled, non-operative, wrecked state shall be removed from the property
3. All damaged windows and doors will need to be replaced. These repairs may be subject to permitting requirements. Please inquire with the Building Department prior to any work.
4. Any unpermitted work must stop, and permits shall be obtained.
5. Repair damaged sections of fencing.
6. Correct any other violation of the Susanville Municipal Code and California State Law
7. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated immediately.
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer

City of Susanville
Proof of Service
[Non-judicial Action]

On 10-1-2021 (date), I served the foregoing document(s) described as:

Notice of Violation

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Royal Harvey _____
PO Box 101 _____
Stendish, CA _____
96128 _____

[☒] (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

[☐] (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

[☐] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 10-1-21

Cody Loftin
Printed Name of Person Serving Documents

Cody Loftin
Signature of Person Serving Documents



City of Susanville

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

Notice of Violation and Issuance of Administrative Citation Property Maintenance Ordinance

October 1, 2021

Lloyd Harvey
PO Box 101
Standish, CA 96128

RE : 10 Santa Paula St., Susanville, CA 96130 **APN :** 107-154-005-000

To Mr. Lloyd Harvey:

The City of Susanville has received a complaint regarding the above-mentioned property. The complaint alleges violations of the City of Susanville Property Maintenance Ordinance. A site visit was conducted to verify the validity of the complaint. Upon inspection the complaint has been validated and the City of Susanville moves to declare a public nuisance upon said property pursuant to the Susanville Property Maintenance Ordinance of 2017 (Ordinance 17-1011).

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping and on-site storage. Under this ordinance every owner, lessee, occupant or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder from their duty to maintain certain aspects of the property.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein by October 21, 2021.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

Based on a current site inspection on September 1, 2021, of the property located at 10 Santa Paula St., the following violations were observed:

- 8.52.030(A) SMC: Property Maintenance / Windows & Doors
- 8.52.030(B) SMC: Property Maintenance / Landscaping
- 8.52.030(C) SMC: Property Maintenance / Vehicles
- 8.52.030(D) SMC: Property Maintenance / Attractive Nuisance
- 8.52.030(E) SMC: Property Maintenance / Trash & Debris
- 8.52.030(M) SMC: Maintain Substandard Dwelling
- 17920.3 HSC: Substandard Dwelling
- Property Maintenance Ordinance to be attached as separate document.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by October 21, 2021.

Actions to Correct Violations:

1. All trash & debris shall be removed from the property
2. All vehicles in an abandoned, dismantled, non-operative, wrecked state shall be removed from the property
3. All damaged windows and doors will need to be replaced. These repairs may be subject to permitting requirements. Please inquire with the Building Department prior to any work.
4. Any unpermitted work must stop, and permits shall be obtained.
5. Repair damaged sections of fencing.
6. Correct any other violation of the Susanville Municipal Code and California State Law
7. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated by October 21, 2021, which corresponds to no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE
EXHIBIT 'F'

City of Susanville
Proof of Service
[Non-judicial Action]

On Apr. 19, 2022 (date), I served the foregoing document(s) described as:

Notice of Intent to Abate + Notice of Public Hearing

Ordinance 17-1011

2 - Do NOT occur notices

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Lloyd Harvey

Physical Posting

PO Box 101

10 Santa Paula St.

Stanish ca 96128

Susanville ca 96130

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☒ (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 10 Santa Paula St. Susanville / Lassen / California.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4-19-22

Cody LFW

Printed Name of Person Serving Documents

Cody LFW

Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 19, 2022

Lloyd Harvey
PO Box 101
Standish, CA 96128

RE: 10 Santa Paula Street (APN: 107-154-005-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-014

To the Family of Lloyd Harvey:

On January 24, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated January 24, 2022, declared a public nuisance upon the property of 10 Santa Paula Street and ordered you to abate the nuisance by February 23, 2022. Additional attempts to gain compliance have been sought by the City of Susanville in letters dated: April 30, 2021, October 1, 2021, and November 1, 2021.

This letter dated April 19, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 10 Santa Paula Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 10 Santa Paula Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 10 Santa Paula Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Based on a current inspection of your property at 10 Santa Paula Street the following violations of the Susanville Municipal Code were noticed:

- 8.32.050 (A)(1) SMC: Nuisance – Zoning/Unpermitted ADU
- 8.32.050 (A)(2) SMC: Nuisance – Substandard/Dangerous Building
- 8.32.050 (A)(3) SMC: Building in violation of Fire Code
- 8.32.050 (A)(5) SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC
- 8.32.050 (C)(1) SMC: Maintain Junk Yard
- 8.32.050 (C)(2) SMC: Contribute to diminution in the value of surrounding properties
- 8.32.050 (C)(3) SMC: Dilapidated furniture
- 8.32.050 (C)(4) SMC: Violation of Chapter 8.52 Property Maintenance
- 8.32.050 (C)(5) SMC: Nuisance storage of vehicles
- 8.32.050 (F) SMC: Nuisance Activities
 - (1) Disturbing the peace
 - (2) Illegal drug activity
 - (3) Public drunkenness
 - (4) Harassment of passerby
 - (8) Sale of stolen goods
 - (9) Acts of violence
 - (13) Unreasonably loud noise
 - (14) Loitering
 - (15) Any other conditions / trespassing, disobey Do Not Occupy Order
- 8.52.030 (A)(1) SMC: Property Maintenance – Doors/Windows, etc.
- 8.52.030 (A)(3) SMC: Property Maintenance – Fences/Walls – Hazards
- 8.52.030 (A)(4) SMC: Property Maintenance – Substantial deterioration of structure
- 8.52.030 (A)(5) SMC: Property Maintenance – Broken elements
- 8.52.030 (A)(6) SMC: Property Maintenance – Debris throughout vacant structure
- 8.52.030 (B) SMC: Property Maintenance – Overgrown vegetation, public safety
- 8.52.030 (C)(5) SMC: Property Maintenance – Inoperable vehicles upon property
- 8.52.030 (D) SMC: Property Maintenance – Attractive Nuisance
- 8.52.030 (E) SMC: Property Maintenance – Trash/Rubbish/Debris, etc.
- 8.52.030 (M) SMC: Property Maintenance – Detrimental to public health/welfare/safety

Susanville Municipal Code § 8.32.040 states the following, “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.”

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Replace all doors and windows
- Repair structure to the satisfaction of the Building Official
- Remove all trash/debris/rubbish/junk from both the front and back yards
- Repair fence along alleyway
- Cease and desist occupying the main structure or any other accessory structure upon the property
- Cease and desist creating any nuisance defined by state law or this code while upon the property
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022**.

Please note that the intent to abate public nuisances upon the property of 10 Santa Paula Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summarily abating your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099

City of Susanville
Proof of Service
[Non-judicial Action]

On Apr. 19, 2022 (date), I served the foregoing document(s) described as:

Notice of Intent to Abate & Notice of Public Hearing
Ordinance 17-1011
2 - Do Not Occupy Notices
(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Matthew Watkins
10 Santa Paula St.
Susanville CA
96130

[] (By U.S. Mail) I deposited such envelope in the mail at _____ (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☒ (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 10 Santa Paula St. Susanville / Lassen / California.

[] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4-18-22

Cady Loftin
Printed Name of Person Serving Documents

Cady Loftin
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 19, 2022

Mathew Mathers
10 Santa Paula Street
Susanville, CA 96130

RE: 10 Santa Paula Street (APN: 107-154-005-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-014

To Mathew Mathers:

On January 24, 2022, a Notice of Violation was served on the property, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated January 24, 2022, declared a public nuisance upon the property of 10 Santa Paula Street and ordered you to abate the nuisance by February 23, 2022. Additional attempts to gain compliance have been sought by the City of Susanville in letters dated: April 30, 2021, October 1, 2021, and November 1, 2021.

This letter dated April 19, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 10 Santa Paula Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 10 Santa Paula Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 10 Santa Paula Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Based on a current inspection of your property at 10 Santa Paula Street the following violations of the Susanville Municipal Code were noticed:

- 8.32.050 (A)(1) SMC: Nuisance – Zoning/Unpermitted ADU
- 8.32.050 (A)(2) SMC: Nuisance – Substandard/Dangerous Building
- 8.32.050 (A)(3) SMC: Building in violation of Fire Code
- 8.32.050 (A)(5) SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC
- 8.32.050 (C)(1) SMC: Maintain Junk Yard
- 8.32.050 (C)(2) SMC: Contribute to diminution in the value of surrounding properties
- 8.32.050 (C)(3) SMC: Dilapidated furniture
- 8.32.050 (C)(4) SMC: Violation of Chapter 8.52 Property Maintenance
- 8.32.050 (C)(5) SMC: Nuisance storage of vehicles
- 8.32.050 (F) SMC: Nuisance Activities
 - (1) Disturbing the peace
 - (2) Illegal drug activity
 - (3) Public drunkenness
 - (4) Harassment of passerby
 - (8) Sale of stolen goods
 - (9) Acts of violence
 - (13) Unreasonably loud noise
 - (14) Loitering
 - (15) Any other conditions / trespassing, disobey Do Not Occupy Order
- 8.52.030 (A)(1) SMC: Property Maintenance – Doors/Windows, etc.
- 8.52.030 (A)(3) SMC: Property Maintenance – Fences/Walls – Hazards
- 8.52.030 (A)(4) SMC: Property Maintenance – Substantial deterioration of structure
- 8.52.030 (A)(5) SMC: Property Maintenance – Broken elements
- 8.52.030 (A)(6) SMC: Property Maintenance – Debris throughout vacant structure
- 8.52.030 (B) SMC: Property Maintenance – Overgrown vegetation, public safety
- 8.52.030 (C)(5) SMC: Property Maintenance – Inoperable vehicles upon property
- 8.52.030 (D) SMC: Property Maintenance – Attractive Nuisance
- 8.52.030 (E) SMC: Property Maintenance – Trash/Rubbish/Debris, etc.
- 8.52.030 (M) SMC: Property Maintenance – Detrimental to public health/welfare/safety

Susanville Municipal Code § 8.32.040 states the following, “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.”

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Replace all doors and windows
- Repair structure to the satisfaction of the Building Official
- Remove all trash/debris/rubbish/junk from both the front and back yards
- Repair fence along alleyway
- Cease and desist occupying the main structure or any other accessory structure upon the property
- Cease and desist creating any nuisance defined by state law or this code while upon the property
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022**.

Please note that the intent to abate public nuisances upon the property of 10 Santa Paula Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summarily abating your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099

CITY OF SUSANVILLE
EXHIBIT 'G'

‘Exhibit G’

Posting of Notice of Public Hearing and Do Not Occupy Order

10 Santa Paula Street

April 19, 2022

2:18 PM



CITY OF SUSANVILLE
EXHIBIT 'H'

- [Document Search](#)
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Affidavit of Death - 2016-02620

Document #

2016-02620

Recording Date

06/09/2016 01:54:34 PM

Book Page

Number Pages No Charge

3 ☐

Recording Fee Transfer Tax

\$14.00 \$0.00

Deceased

None

HARVEY LLOYD TREVANION

HARVEY LLOYD T

Recorded at the request of

DORIS HARVEY

Legal

Legal

Related

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Deed - 2016-02621

Document #

2016-02621

Recording Date

06/09/2016 01:54:34 PM

Book Page

Number Pages No Charge

1 ☐

Recording Fee Transfer Tax

\$8.00 \$0.00

Grantor seller

Grantee buyer

HARVEY DORIS A

HARVEY LLOYD T

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Notice of Power To Sell - 2021-04600

Document #

2021-04600

Recording Date

08/26/2021 08:25:15 AM

Book Page

Number Pages No Charge

2



Recording Fee Transfer Tax

\$0.00

\$0.00

Property Owner

Tax Collector

HARVEY LLOYD T LASSEN COU TAX COLLECTOR

Recorded at the request of

LASSEN COU TAX COLLECTOR

Legal

Legal

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Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 2.85
- ☐ Return Receipt (electronic)
- ☐ Certified Mail Restricted Delivery
- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery

Postage \$

0.51

Total Postage and Fees \$

4.16

Sent To

Lloyd Haney

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PO Box 101

Standish CA 96128

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



2017 1070 7543 0000 0207 2169



City of Susanville

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

Notice of Public Nuisance Susanville Property Maintenance Ordinance (2017) [Ord. 17-1011]

April 30, 2021

Lloyd T. Harvey
PO Box 101
Standish, CA 96128

RE: 10 Santa Paula Street, Susanville, CA 96130
APN: 107-154-005-000

To whom it may concern:

The City of Susanville has declared a public nuisance upon the property of 10 Santa Paula Street, Susanville, California 96130. City staff has observed several vehicles upon the premises or within the city right of way in an abandoned, inoperative, wrecked, or dismantled state which pose a health & safety hazard to the public. Furthermore, a large quantity of trash, debris and other items have collected further promoting this property as an attractive nuisance. Please note this property is in violation of the City of Susanville Property Maintenance Ordinance of 2017 (Ord. 17-1011).

Section 8.52.030 Susanville Municipal Code:

The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared unlawful and are defined as and declared to be a public nuisance which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public right-of-way: Storage or scattering over any portion of the property of any of the following:

- D:** Attractive Nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells.

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

- E1:** 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.
- E2:** Abandoned, broken, wrecked, inoperable or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools or similar objects of equipment.
- E3:** Abandoned, broken, wrecked, inoperable or discarded personal effects, including, but not limited to, books, magazines, newspapers, papers, knickknacks, ornamental objects, clothing, or similar articles.
- E5:** 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 zoning classification of the property.
- E6:** Abandoned, inoperative, wrecked, or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code.

Failure to address the declared public nuisance within 15 days of receipt of this letter may result in administrative action as authorized by Chapter 8.32 or Chapter 10.22 of the Susanville Municipal Code.

The City of Susanville appreciates your cooperation regarding this issue. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,

Cody Loflin
Code Enforcement Officer

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

www.cityofsusanville.org



City of Susanville

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

05/25/16

Doris Harvey
P.O. Box 101
Standish, CA 96128

RE: 10 Santa Paula Street, Susanville
Violation of Health & Safety Code 17920.3 Substandard building
Zoning Violation
APN: 107-154-05

Based on an inspection of the exterior of the single family residence located at 10 Santa Paula Street, Susanville, the City has determined that the structure is a substandard building as defined in State of California Health and Safety Code Section 17920.3. The City of Susanville is the enforcement agency for this and all related sections of the Health and Safety Code. Based upon this determination, the City is requiring you to perform repairs to the structure to correct the deficiencies which cause it to be a substandard building. Attached is a copy of Health and Safety Code Section 17920.3 for your reference.

Based on the exterior inspection the City has determined that the building is substandard for the following issues:

1. Health and Safety Code Section 17920.3 (a) (5) - Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
2. Health and Safety Code Section 17920.3 (a) (13) – General dilapidation and maintenance.
3. Health and Safety Code Section 17920.3 (g) (2) - Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
4. Health and Safety Code Section 17920.3 (g) (3) - Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
5. Health and Safety Code Section 17920.3 (g) (4) - Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
6. Health and Safety Code Section 17920.3 (j) - Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages,

Rod E. DeBoer
Mayor
Brian R. Wilson
Mayor pro tem

Councilmembers:
Lino P. Callegari
Cheryl L. McDonald
Nicholas Mc Bride

stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

There is also reasonable cause to expect that there may be lead paint on the structure due to the age of the house. If lead is present the required repairs may result in the disturbance of lead paint which would require containment.

Based on the condition of the exterior of the house there is reasonable cause to suspect that there are other potential defects on the interior that would also make the building substandard and will require repair. An inspection of the interior of the structure is therefore required. Section 17970 of the Health and Safety Code states allows the City to enter and inspect the property as necessary to secure compliance with building standards and the Health and Safety Code. Please contact the City to arrange a time for this inspection. Failure to arrange for this inspection will result in the City seeking a warrant for such an inspection. Section 17970 is attached for your review.

The lack of an approved water source for the structure constitutes an immediate health and safety issue due to a lack of potable water and the absence of a method for sewage disposal which renders the house uninhabitable until rectified. The City intends to red tag the dwelling immediately and no persons may occupy the structure or the property until an approved water source is provided.

This letter is your official notice that the structure at 10 Santa Paula Street is a substandard building. Under the Health and Safety Code you are required to repair or demolish the structure. If you choose to repair the structure it will be required that you bring the structure into compliance with building codes according to a reasonable and feasible time schedule for expeditious repair. The City is giving you 30 days to respond to this letter with a plan of action to make the necessary repairs. If you fail to respond, steps will be taken to abate the violations which may include requiring you to vacate the property and demolition of the structure by the City with costs for demolition being levied against you and the property. The cost will be in addition to any other fines provided for by law.

You are also hereby receiving notice that in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code a tax deduction may not be allowed for interest, taxes, depreciation or amortization paid or incurred in the taxable years that the violation exists.

In addition to the above violations of the Health and Safety Code it has been observed that the accumulation of junk and trash in the yard surrounding the house constitutes a zoning violation. Specifically, the violations include:

1. Junk in excess of 100 square feet

It has been observed that there is an accumulation of junk on the property in excess of 100 square feet (10 feet by 10 feet). Junk is defined as:

“fabricated items which are either abandoned or not longer usable for the purpose for which they were made, and which are not presently being restored or repaired, **including, but not limited to**, scrap iron, tin, brass, copper, lead or zinc and all other scrap metals and their alloys, bones, rags, paper and paper products, all used cloth, clothing, rubber, rope, tinfoil, bottles, machinery, tools, appliances, fixtures, utensils, lumber, wood, fabrics, boxes or crates, plastics or other synthetic products, paint, clay or porcelain products, pipe fittings, automobile or airplane tires, used automobiles and automobile parts, and all other manufactured goods which are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, regardless of whether such material is being held for sale or storage”

Items observed include but are not limited to tires, mattress, lumber scraps, appliances, trash, furniture/furniture parts, etc. Use of more than 100 square feet of your property for the storage of junk classifies the use as a “junkyard.” A junkyard is **not** an allowed use in the R-1 zoning designation which is applicable to your property. This is a violation of Section 17.12 of the Susanville Municipal Code.

Storage of excessive junk is also classified as public nuisance. Failure to remove the junk or store it within a building will result in Nuisance Abatement proceeding being initiated against you. The nuisance abatement process may result in fines being levied against you which, if not paid, will be attached as liens against your property.

In addition, it appears that one or more persons are living in a tent erected in the back yard of the property

It is the City’s goal to obtain voluntary compliance with the City of Susanville Municipal Code. City of Susanville has an active Code Enforcement Program which provides an effective means of enforcement if voluntary compliance is not obtained. Enforcement may be pursued through the issuance of citations, fines, involuntary abatement and or the recording of a Notice of Violation including a description of the action necessary to abate the violation.

You have thirty (30) days to comply with the above directions or to present an acceptable plan for abatement or corrective actions to be taken by you. The City urges you to contact this Division so that we can answer any questions and provide guidance for complying with the City Code. You can contact staff at (530) 252-5118. Our hours of operation are 8:00 am to 5:00 pm Monday thru Friday, excluding Holidays. **Failure to address this issue within the specified time limits will result in a formal code enforcement procedure being initiated for the property.**

Sincerely,

A handwritten signature in black ink that reads "Craig Sanders". The signature is written in a cursive, flowing style.

Craig Sanders
City Planner

HEALTH AND SAFETY CODE SECTION 17920.3

Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) General dilapidation or improper maintenance.
- (14) Lack of connection to required sewage disposal system.
- (15) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

(1) Deteriorated, crumbling, or loose plaster.

(2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

"Substandard building" includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of this part which the enforcement agency has the power to enforce.

City of Susanville
POLICE DEPARTMENT

Thomas V. Downing, Chief of Police
Pride in Service—Service with Pride

**“NOTICE OF PUBLIC HEARING OF THE
ABANDONED VEHICLE HEARING BOARD”**

This letter is notice of a public hearing of the Abandoned Vehicle Hearing Board which will conduct a public hearing at **10:00 a.m. on October 28, 2014** at 66 N. Lassen Street, Susanville, to consider the disposition of two vehicles located on private property at 10 Santa Paula Street, Susanville California. The hearing is being conducted to hear facts and testimony pertinent to making a decision if the following vehicles are abandoned wrecked, dismantled or inoperative pursuant to Chapter 10.22 of the Susanville Municipal Code.

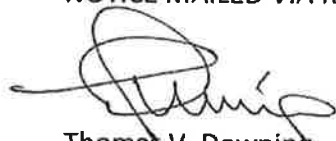
Vehicle	License Plate	Registered Owner/Release of Liability
1976 Lincoln Continental	5CTK145	Deana Maughan
1976 Plymouth Station Wagon	171ZVH	Judith Saraceni

The board shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

The abandoned vehicle hearing board may impose conditions and take other action as it deems appropriate under the circumstances to carry out the purpose chapter 10.22. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the board may find that a vehicle, or parts thereof, has been abandoned, wrecked, dismantled or is inoperative on private or public property and by resolution order the same removed from the property as a public nuisance and disposed of as provided by code and determine the administrative costs and the cost of removal to be charged against the owner of the land on which the vehicle, or parts thereof, is located.

All persons having an interest in the vehicles are urged to attend the hearing and this notice shall serve as the noticing requirements of Susanville Municipal Code Section 10.22.120 B.

NOTICE MAILED VIA REGISTERED MAIL ON: October 16, 2014



Thomas V. Downing
Chief of Police

Business Office (530)257-5603 Dispatch (530)257-2171 FAX (530)257-7366
1801 Main Street, Susanville California 96130-3904



City of Susanville

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

code case 14-019

04/30/14

Lloyd Harvey
P.O. Box 101
Standish, CA 96128

RE: 10 Santa Paula Street, Susanville
APN: 107-154-05

This is a courtesy letter from the City of Susanville Community Development Division - Code Enforcement, regarding your property located on Santa Paula Street in Susanville, APN 107-154-05. It has come to our attention that there are violations of the City's Municipal Code on the property which need to be abated in order to avoid legal action which could result in fines and/or property tax liens on your property. Specifically, the violations include:

1. Abandoned, wrecked, dismantled, or inoperative vehicles

It has been observed that there are at least six vehicles which meet the definition of abandoned, wrecked, dismantled or inoperative vehicles on your property. The presence of these vehicles is a violation of Chapter 10.22 of the Susanville Municipal Code. These vehicles must be removed from the property or stored within a building. Please be informed that if the City is forced to remove the vehicles, State law requires that they be taken to an auto dismantler or scrap yard and the vehicles may not be used on the road again. Additionally the cost of removal, including administrative costs, will be charged to you and if not paid, will be assessed against your property as a property tax lien.

As courtesy, a list is attached of entities that may remove the abandoned, wrecked, dismantled or inoperative vehicles from your property at no charge.

It is the City's goal to obtain voluntary compliance with the City of Susanville Municipal Code. City of Susanville has an active Code Enforcement Program which provides an effective means of enforcement if voluntary compliance is not obtained. Enforcement may be pursued through the issuance of citations, fines, involuntary abatement and or the recording of a Notice of Violation including a description of the action necessary to abate the violation.

You have twenty (20) days to comply with the above directions or to present an acceptable plan for abatement or corrective actions to be taken by you. The City urges you to contact this Division

Rod E. DeBoer
Mayor
Brian R. Wilson
Mayor pro tem

Mailed 4-30-14

Councilmembers:
Lino P. Callegari
Cheryl L. McDonald
Nicholas Mc Bride

www.cityofsusanville.org

so that we can answer any questions and provide guidance for complying with the City Code. You can contact staff at (530) 252-5118. Our hours of operation are 8:00 am to 5:00 pm Monday thru Friday, excluding Holidays. **Failure to address this issue within the specified time limits will result in a formal code enforcement procedure being initiated for the property.**

Sincerely,

A handwritten signature in black ink that reads "Craig Sanders". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Craig Sanders
City Planner

DONATE YOUR CAR

1. Bullseye Recycling

Susanville, CA

(530) 252-1001

2. Disabled American Veterans

<http://www.dav.org/>

(877) 310-4167

3. Kars 4 Kids

<http://local.ingenio.com/Services/Kars4kids/7043333>

(866) 490-4658

4. Children's Cancer Fund of America

<http://local.ingenio.com/Service/Childrens-Cancer-Fund-of-America/11515696>

(866) 761-9982

5. Heritage for the Blind

<http://local.ingenio.com/Service/Car-Boat-Truck-Donations-Needed/12011356>

(888) 589-2683

6. Donate Your Car for Breast Cancer Research

http://www.carsforbreastcancer.org/?utm_source=yellow+pages+national&utm_medium=yellowpages&utm_campaign=national&phone_number=888-203-7440

(888) 203-7440

7. Donate Your Cars for Kids

<http://www.donationsforkids.net/index-att.html>

(888) 728-4751

8. Donate a Car 2 Charity

<http://www.donateacar2charity.com/>

(866) 748-1935

9. Donate Your Car – Fast and Easy Car Donation

<http://www.fast-auto-donation.org/att>

(888) 269-6480

10. 1-800 Donate Cars

(866) 259-8166

REPORT TO THE ABANDONED VEHICLE HEARING BOARD

Submitted by: Thomas Downing, Chief of Police

Action Date: October 28, 2014

SUBJECT: Abatement of abandoned, wrecked, dismantled, or inoperative vehicles at 10 Santa Paula Street, Susanville

SUMMARY: On April 30, 2014 the City of Susanville Community Development Division sent a courtesy letter to the property owner of 10 Santa Paula Drive identifying violations Susanville municipal Code section 10.22 which prohibits the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property. At that time there were at least six vehicles on the property which met the definition of abandoned, wrecked, dismantled, or inoperative.

The tenant of the property, the property owner's son, had several of the vehicles removed, however, two vehicle still remain on the property and are located in the back yard which is accessed from a rear alley. The vehicles are not enclosed within a structure.

On September 25, 2014 the Police Department sent a notice of intent to abate and remove the remaining two vehicles listed below:

Vehicle	License Plate	Registered Owner/Release of Liability
1976 Lincoln Continental	5CTK145	Deana Maughan
1976 Plymouth Station Wagon	171ZVH	Judith Saraceni

The registration expired on the Lincoln Continental on 6/6/2007 and the registration for the Oldsmobile expired on 6/8/1996. Both of these vehicles are considered inoperative as per the definition contained in City Code Section 10.22.030.

Pertinent code sections for the Board to consider are:

10.22.020 Findings and declarations.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

10.22.030 Definitions.

As used in this chapter:

"Highway" means a way or place of whatever nature, publicly maintained or open to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

"Inoperative" includes, but is not limited to, a vehicle which is not currently and validly registered for operation or use on the highways and streets in the state as required under the provisions of Division 3 (commencing at Section 4000 et seq.) of the Vehicle Code.

"Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

"Owner of the vehicle" means the last registered owner and the last legal owner of record.

10.22.180 Penalties.

A. It is unlawful and an infraction for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof, which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property including highways within the city in excess of seventy-two (72) or more consecutive hours, unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in conjunction with a business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

B. It is unlawful and an infraction for any person to fail or to refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter.

10.22.140 Abatement and removal—Appeal.

- A. Any interested party may appeal the decision of the abandoned vehicle hearing board established pursuant to Section 10.22.040 by filing a written notice of the appeal with the board within ten (10) days after its decision.
- B. Such appeal shall be heard by the city council which may affirm, amend or reverse the order to take other action deemed appropriate.
- C. The city clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 10.22.120.
- D. In conducting the hearing, the city council shall not be limited by the technical rules of evidence. The decision of the city council shall be final and conclusive.

1.12.010 General penalty—Continuing violations.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

- A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one year;
- C. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year from the first violation.

ACTION REQUESTED: Impose a \$100 fine for a first infraction and direct that the vehicles be removed by November 3, 2014.

ATTACHMENTS:

- "A" – Photos of site
- "B" - Courtesy letter 4/30/14
- "C" – Notice of Intent to Abate
- "D" – Letter requesting hearing

ATTACHMENT A



ATTACHMENT B



City of Susanville

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

04/30/14

Lloyd Harvey
P.O. Box 101
Standish, CA 96128

RE: 10 Santa Paula Street, Susanville
APN: 107-154-05

This is a courtesy letter from the City of Susanville Community Development Division - Code Enforcement, regarding your property located on Santa Paula Street in Susanville, APN 107-154-05. It has come to our attention that there are violations of the City's Municipal Code on the property which need to be abated in order to avoid legal action which could result in fines and/or property tax liens on your property. Specifically, the violations include:

1. Abandoned, wrecked, dismantled, or inoperative vehicles

It has been observed that there are at least six vehicles which meet the definition of abandoned, wrecked, dismantled or inoperative vehicles on your property. The presence of these vehicles is a violation of Chapter 10.22 of the Susanville Municipal Code. These vehicles must be removed from the property or stored within a building. Please be informed that if the City is forced to remove the vehicles, State law requires that they be taken to an auto dismantler or scrap yard and the vehicles may not be used on the road again. Additionally the cost of removal, including administrative costs, will be charged to you and if not paid, will be assessed against your property as a property tax lien.

As courtesy, a list is attached of entities that may remove the abandoned, wrecked, dismantled or inoperative vehicles from your property at no charge.

It is the City's goal to obtain voluntary compliance with the City of Susanville Municipal Code. City of Susanville has an active Code Enforcement Program which provides an effective means of enforcement if voluntary compliance is not obtained. Enforcement may be pursued through the issuance of citations, fines, involuntary abatement and or the recording of a Notice of Violation including a description of the action necessary to abate the violation.

You have twenty (20) days to comply with the above directions or to present an acceptable plan for abatement or corrective actions to be taken by you. The City urges you to contact this Division

Rod E. DeBoer
Mayor
Brian R. Wilson
Mayor pro tem

Councilmembers:
Lino P. Callegari
Cheryl L. McDonald
Nicholas Mc Bride

so that we can answer any questions and provide guidance for complying with the City Code. You can contact staff at (530) 252-5118. Our hours of operation are 8:00 am to 5:00 pm Monday thru Friday, excluding Holidays. **Failure to address this issue within the specified time limits will result in a formal code enforcement procedure being initiated for the property.**

Sincerely,

A handwritten signature in cursive script that reads "Craig Sanders".

Craig Sanders
City Planner

ATTACHMENT C

City of Susanville
POLICE DEPARTMENT

Thomas V. Downing, Chief of Police
Pride in Service—Service with Pride

**“NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE”**

Doris Harvey
P.O. Box 101
Standish, CA 96128

As owner shown on the last equalized assessment roll of the land located at 10 Santa Paula Street, Susanville, you are hereby notified that the undersigned, pursuant to Section 10.22.070 of the Susanville Municipal Code, has determined that there exists upon said land abandoned, wrecked, dismantled, or inoperative vehicles (and/or parts thereof) which constitutes a public nuisance pursuant to the provision of Section 10.22.020 of the Susanville Municipal Code. The specific vehicles are listed below:

Vehicle	License Plate	Registered Owner/Release of Liability
1976 Lincoln Continental	5CTK145	Deana Maughan
1976 Plymouth Station Wagon	171ZVH	Judith Saraceni

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 15 days from the mailing of this notice, and upon your failure to do so the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

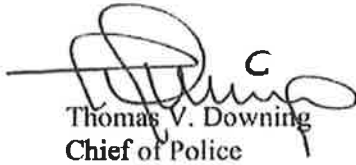
As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 15 days after mailing of this notice of intention, request a public hearing and if such a request is not received by the city council within such 15-day period, the city police chief shall have the authority to abate and remove said vehicles (or said parts of a vehicles) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 15-day period denying responsibility for the presence of said vehicles (or said parts of a vehicles) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Business Office (530)257-5603 Dispatch (530)257-2171 FAX (530)257-7366
1801 Main Street, Susanville California 96130-3904

Please be informed that if the City is forced to remove the vehicle, State law requires that it be taken to an auto dismantler or scrap yard and the vehicle may not be used on the road again. Additionally the cost of removal, including administrative costs and penalties, will be charged to you and if not paid, will be assessed against your property as a property tax lien.

If you have any questions about this notice, please feel free to contact Craig Sanders, City Planner at (530) 252-5118.

NOTICE MAILED VIA REGISTERED MAIL ON: September 25, 2014 *g*


Thomas V. Downing
Chief of Police

ATTACHMENT D

OCTOBER 10, 2014
DORIS A. HARVEY
P.O. Box 101
STANDISH, CA. 96128
530-254-6202

CITY OF SUSANVILLE
POLICE DEPARTMENT
THOMAS V. DOWNING
CHIEF OF POLICE

DEAR SIR:

This letter is in response to the letter I received in regards to a notice to abate two vehicles located on my property at 10 Santa Paula Street, Susanville, Ca.

I own the property, however I do not reside on the property. I have lived in Standish, Ca. for the last 39 years. My son, Lloyd Harvey, has resided on the property for the last 14 years. The cars mentioned in the letter belong to my son. The cars are enclosed within his fenced backyard and are not abandoned, wrecked or dismantled. They are Lloyd's hobby cars. His hobby is customizing and restoring classic cars. His cars are projects in process.

Cont on page 2

page 2
and do not pose a threat to the public
in any way.

We wish to request a hearing on this
matter at this time. Please advise me
of a hearing date, time and location
and the necessary procedures required.
We wish to be present at this hearing.

Sincerely

Kloris A. Harvey

City of Susanville

POLICE DEPARTMENT

Thomas V. Downing, Chief of Police
Pride in Service—Service with Pride

**“NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE”**

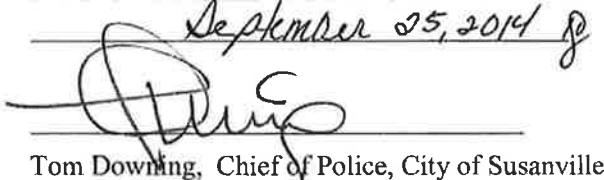
Deana Maughan
P.O. Box 270184
Susanville, CA, CA 96127

“As the last registered (and/or legal) owner of record of a 1976 Lincoln Continental, license 5CTK145 you are hereby notified that the undersigned, pursuant to Section 10.22.070 of the Susanville Municipal Code, has determined that said vehicle exists as an abandoned, wrecked, dismantled, or inoperative vehicle at 10 Santa Paula Street, Susanville, CA and constitutes a public nuisance pursuant to the provision of Section 10.22.020 of the Susanville Municipal Code.”

“You are hereby notified to abate said nuisance by the removing said vehicle (or said parts of a vehicle) within 15 days from the mailing of this notice.

“As the registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 15 days after the mailing of this notice of intention, request a public hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with your reasons for such denial, in lieu of appearing. If such request is not received by the city council of the City of within such 15-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.” Please be informed that if the City is forced to remove the vehicle, State law requires that it be taken to an auto dismantler or scrap yard and the vehicle may not be used on the road again.

NOTICE MAILED VIA REGISTERED MAIL ON:

September 25, 2014

Tom Downing, Chief of Police, City of Susanville

Business Office (530)257-5603 Dispatch (530)257-2171 FAX (530)257-7366
1801 Main Street, Susanville California 96130-3904

POLICE DEPARTMENT

Thomas V. Downing, Chief of Police

Pride in Service—Service with Pride

“NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE”

Doris Harvey
P.O. Box 101
Standish, CA 96128

As owner shown on the last equalized assessment roll of the land located at 10 Santa Paula Street, Susanville, you are hereby notified that the undersigned, pursuant to Section 10.22.070 of the Susanville Municipal Code, has determined that there exists upon said land abandoned, wrecked, dismantled, or inoperative vehicles (and/or parts thereof) which constitutes a public nuisance pursuant to the provision of Section 10.22.020 of the Susanville Municipal Code. The specific vehicles are listed below:

Vehicle	License Plate	Registered Owner/Release of Liability
1976 Lincoln Continental	5CTK145	Deana Maughan
1976 Plymouth Station Wagon	171ZVH	Judith Saraceni

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 15 days from the mailing of this notice, and upon your failure to do so the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 15 days after mailing of this notice of intention, request a public hearing and if such a request is not received by the city council within such 15-day period, the city police chief shall have the authority to abate and remove said vehicles (or said parts of a vehicles) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 15-day period denying responsibility for the presence of said vehicles (or said parts of a vehicles) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Please be informed that if the City is forced to remove the vehicle, State law requires that it be taken to an auto dismantler or scrap yard and the vehicle may not be used on the road again. Additionally the cost of removal, including administrative costs and penalties, will be charged to you and if not paid, will be assessed against your property as a property tax lien.

If you have any questions about this notice, please feel free to contact Craig Sanders, City Planner at (530) 252-5118.

NOTICE MAILED VIA REGISTERED MAIL ON: September 25, 2014 *g*



Thomas V. Downing
Chief of Police

City of Susanville

POLICE DEPARTMENT

Thomas V. Downing, Chief of Police
Pride in Service—Service with Pride

**“NOTICE OF INTENTION TO ABATE AND REMOVE AN
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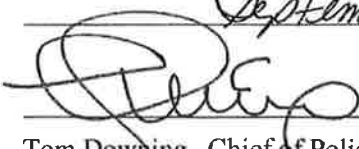
Judith Saraceni
31 Monrovia Street Apt. B
Susanville, CA, CA 96130

“As the last registered (and/or legal) owner of record of a 1976 Plymouth Station Wagon, license 171ZVH you are hereby notified that the undersigned, pursuant to Section 10.22.070 of the Susanville Municipal Code, has determined that said vehicle exists as an abandoned, wrecked, dismantled, or inoperative vehicle at 10 Santa Paula Street, Susanville, CA and constitutes a public nuisance pursuant to the provision of Section 10.22.020 of the Susanville Municipal Code.”

“You are hereby notified to abate said nuisance by the removing said vehicle (or said parts of a vehicle) within 15 days from the mailing of this notice.

“As the registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 15 days after the mailing of this notice of intention, request a public hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with your reasons for such denial, in lieu of appearing. If such request is not received by the city council of the City of within such 15-day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.” Please be informed that if the City is forced to remove the vehicle, State law requires that it be taken to an auto dismantler or scrap yard and the vehicle may not be used on the road again.

NOTICE MAILED VIA REGISTERED MAIL ON:

September 25, 2014 *JD*

Tom Downing, Chief of Police, City of Susanville

Business Office (530)257-5603 Dispatch (530)257-2171 FAX (530)257-7366
1801 Main Street, Susanville California 96130-3904

RESOLUTION NO 14-001
A RESOLUTION OF THE SUSANVILLE ABANDONED VEHICLE BOARD
FOR REMOVAL OF VEHICLES FROM 10 SANTA PAULA STREET
APN 107-154-05

WHEREAS, The City of Susanville Abandoned Vehicle Hearing Board conducted a public hearing on October 28, 2014 and considered both written and oral comments presented regarding the storage of two vehicles located on property identified as 10 Santa Paula Street, APN 107-154-05, said vehicles being identified by California license plates 5CTK145 and 171ZVH.

NOW, THEREFORE, BE IT RESOLVED, the City of Susanville Abandoned Hearing Board:

A. Makes the following findings

1. That the two vehicles identified by California license plates 5CTK145 and 171ZVH are inoperative vehicles as defined in Chapter 10.22.030 of the Susanville Municipal Code.
2. The identified vehicles are not completely enclosed within a building.
3. The presence of the vehicles on the property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare and as such constitutes a public nuisance.

B. The Abandoned Vehicle Hearing Board hereby directs the following:

1. The property owner cause the two identified vehicles to be removed from the property by November 7, 2014.
2. If the vehicles have not been removed by November 7, 2014 the Chief of Police shall abate the nuisance by having the vehicles removed, unless an appeal has been filed. The costs of removal shall be charged to the property owner. The Chief of Police is also authorized to issue an infraction citation for the amount of \$100 as provided by section 10.22.180 and section 1.12.010 of the Susanville Municipal Code.

APPROVED: _____

Jared Hancock
City Administrator
City of Susanville

ATTEST: _____

Gwenna MacDonald, City Clerk

The foregoing Resolution was introduced adopted at a meeting of the Susanville Abandoned Vehicle Board held on the 28th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Gwenna MacDonald, City Clerk

REPORT TO THE ABANDONED VEHICLE HEARING BOARD

Submitted by: Thomas Downing, Chief of Police

Action Date: October 28, 2014

SUBJECT: Abatement of abandoned, wrecked, dismantled, or inoperative vehicles at 10 Santa Paula Street, Susanville

SUMMARY: On April 30, 2014 the City of Susanville Community Development Division sent a courtesy letter to the property owner of 10 Santa Paula Street identifying violations Susanville Municipal Code Section 10.22 which prohibits the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property. At that time there were at least six vehicles on the property which met the definition of abandoned, wrecked, dismantled, or inoperative.

The tenant of the property, the property owner's son, had several of the vehicles removed, however, two vehicle still remain on the property and are located in the back yard which is accessed from a rear alley. The vehicles are not enclosed within a structure.

On September 25, 2014 the Police Department sent a notice of intent to abate and remove the remaining two vehicles listed below:

Vehicle	License Plate	Registered Owner/Release of Liability
1976 Lincoln Continental	5CTK145	Deana Maughan
1976 Plymouth Station Wagon	171ZVH	Judith Saraceni

The registration expired on the Lincoln Continental on 6/6/2007 and the registration for the Plymouth expired on 6/8/1996. Both of these vehicles are considered inoperative as per the definition contained in City Code Section 10.22.030.

Pertinent code sections for the Board to consider are:

10.22.020 Findings and declarations.

In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the city council makes the following findings and declarations:

Harvey 10:00 am

10/28/14

Abatement

Mr. Hancock explained Reasons for our meeting
& introduced Mr. Chris Downing. Let Ms. Harvey
know she'll have opportunity to explain her views

Chris Downing

Confirmed like King road w/ Ms. Harvey
explained letters content & seen how some clean up
had been done.

Ms. Harvey requested explanation of picket

Chris explained the Abatement definition and code &
did explain the panel will be decision makers

Ms. Harvey explained she had paid someone to do
yard clean up & removal of extra rubbish on yard

Chris explained why he considers them a nuisance
& need abated

Ms. Harvey explained cars do belong to Son & they are
his hobby car to tinker with & states they are snow
cars & they do not permit on being operated

Mr. Hancock clarified names of parent husband & son.

and asked what happened w/ other vehicles

Ms. Harvey said bought home for mother for convenience she
explained all "stuff" or property was inherited stuff from

past events.

Ms. Harvey stated son doesn't have CDL & they are strictly project cars.

Mr. Hancock asked how long it would take to make vehicles ~~not~~ to operating condition.

Ms. Harvey stated son has traumatic brain injury do to severe accident, his income is minimal do to losing his business of being a handyman.

Mr. Hancock - appreciated her openness & honesty with the panel, ~~that~~ & stated the ordinance is stated clearly.

He also explained an operative vehicle code, & the fact the cars are not Registered does pose an issue in line w/ the ordinance. Mr. Hancock asked how long would it take to get vehicles Registered & running.

Ms. Harvey explained it will take all her families income to get vehicles Registered. She explained she did try to get other vehicles towed but didn't have title to do so.

Mr. Hancock explained why abatement is put in place due to uninhabitable living conditions.

Ms. Harvey did explain per home ~~is~~ & belongings are not the problem.

Chief explained the condition of the vehicles & the lack of registration being delayed for years.

Mr. Purvis stated the code is written as the cars are Registered & are not covered or enclosed the ordinance does state this black & white.

Mr. Sanders stated Registration fees may be quite high as they have been ~~late~~ delayed

Ms Harvey explained she ^{does} ~~doesn't~~ have a shop to accommodate these vehicle however her son does not have transportation to get to Standish

Mr. Hancock stated vehicles do need to be in an enclosed structure like a garage & the ordinance must be followed & suggest the shop at her property sounds more feasible

Ms Harvey stated Nothing more for her to say.

Mr. Sanders let panel know of Resolution

Ms. Harvey requested extended time for movement as finances are & finding someone to move

Mr. Hancock requested to panel to extend until 11/17

Cliff explained Ms Harvey has the right to appeal to City Council & ~~is~~

Sanders - motioned as written w/ change to date 11/17 rather than

Mr Hancock all in favor

RESOLUTION NO 14-001
A RESOLUTION OF THE SUSANVILLE ABANDONED VEHICLE BOARD
FOR REMOVAL OF VEHICLES FROM 10 SANTA PAULA STREET
APN 107-154-05

WHEREAS, The City of Susanville Abandoned Vehicle Hearing Board conducted a public hearing on October 28, 2014 and considered both written and oral comments presented regarding the storage of two vehicles located on property identified as 10 Santa Paula Street, APN 107-154-05, said vehicles being identified by California license plates 5CTK145 and 171ZVH.

NOW, THEREFORE, BE IT RESOLVED, the City of Susanville Abandoned Hearing Board:

A. Makes the following findings

1. That the two vehicles identified by California license plates 5CTK145 and 171ZVH are inoperative vehicles as defined in Chapter 10.22.030 of the Susanville Municipal Code.
2. The identified vehicles are not completely enclosed within a building.
3. The presence of the vehicles on the property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare and as such constitutes a public nuisance.

B. The Abandoned Vehicle Hearing Board hereby directs the following:

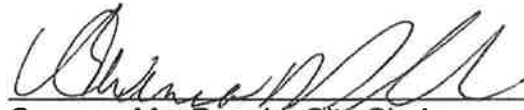
1. The property owner cause the two identified vehicles to be removed from the property by November 17, 2014.
2. If the vehicles have not been removed by November 17, 2014 the Chief of Police shall abate the nuisance by having the vehicles removed, unless an appeal has been filed. The costs of removal shall be charged to the property owner. The Chief of Police is also authorized to issue an infraction citation for the amount of \$100 as provided by section 10.22.180 and section 1.12.010 of the Susanville Municipal Code.

APPROVED: 
Jared Hancock
City Administrator
City of Susanville

ATTEST: 
Gwenna MacDonald, City Clerk

The foregoing Resolution was introduced adopted at a meeting of the Susanville Abandoned Vehicle Board held on the 28th day of October, 2014, by the following vote:

AYES: Jared Hancock, Craig Sanders, David Purvis
NOES: None
ABSENT: None
ABSTAIN: None


Gwenna MacDonald, City Clerk

CITY OF SUSANVILLE
EXHIBIT 'I'

Exhibit 'I'

10 Santa Paula St

CE # 2021-014

Item # 4.E

- I, Cody Loflin, declare under penalty of perjury under the laws of the State of California that the photographs contained herein this exhibit are true and correct and that:
- A photograph labeled January 24, 2022, was captured by me and was captured on January 24, 2022, between 2:01 PM and 3:03 PM at 10 Santa Paula Street, Susanville, California.
- A photograph labeled May 3, 2022, was captured by me and was captured on May 3, 2022, between 9:55 AM and 9:57 AM at 10 Santa Paula Street, Susanville, California.

Signed: Cody Loflin Date: 5-4-2022
Cody Loflin For 5-12-2022

Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

January 24, 2022

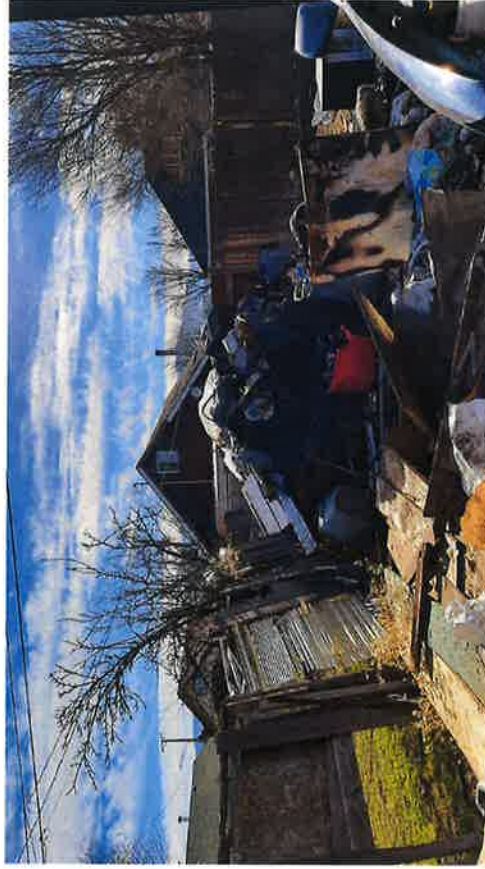


January 24, 2022



Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

January 24, 2022

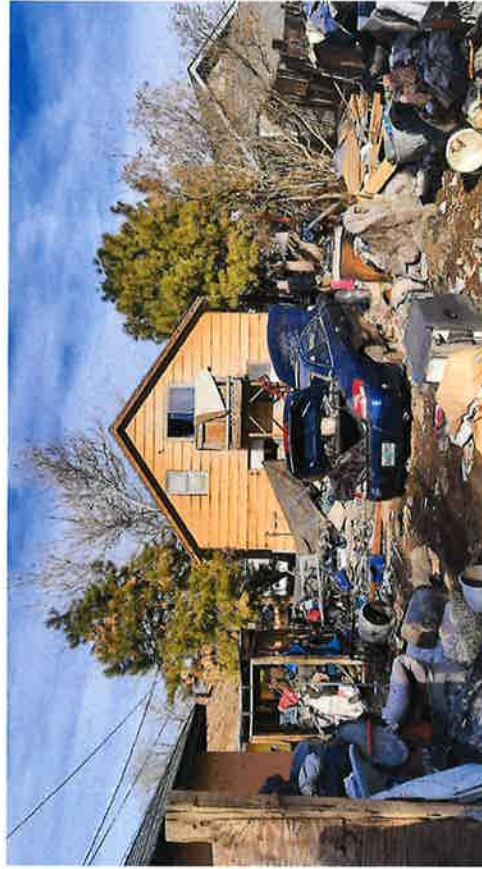


January 24, 2022



Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

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Exhibit 'I'

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January 24, 2022



Exhibit 'I'

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Exhibit 'I'

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January 24, 2022



Exhibit 'I'

January 24, 2022

January 24, 2022



Exhibit 'I'

January 24, 2022



January 24, 2022



Exhibit 'I'

January 24, 2022

May 3, 2022



Exhibit 'I'

May 3, 2022



May 3, 2022



Exhibit 'I'

May 3, 2022



HISTORICAL PHOTOGRAPHS

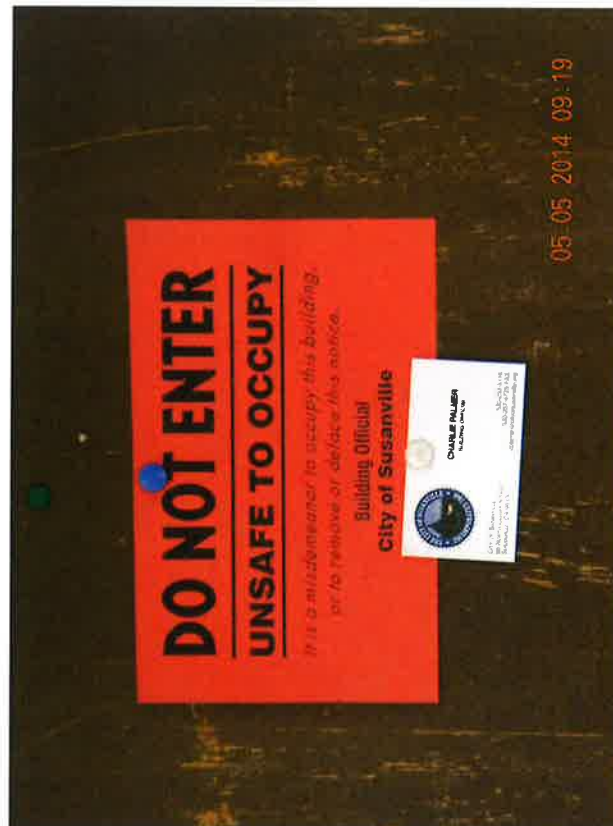


























































CITY OF SUSANVILLE
EXHIBIT 'J'

Margret E. Long SBN: *227176
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5100
attorney@cityofsusanville.org

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville,

Petitioner

v

Lloyd Trevanion Harvey (Deceased),
Kevin Lee Harvey, Matthew Mathers
Respondent

Nuisance Abatement Order

Hearing: May 12, 2022 at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was held:
 - a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
 - b. Before the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: **names of Commissioners present.*
 - c. Wayne Jackson presided over the procedure as Chairperson.
 - d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated April 19, 2022 and served on Respondent Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers by Certified Mail on April 19, 2022, and posted on the structure at 10 Santa Paula Street on April 19, 2022.
 - e. Present at the hearing where:
 - i. Cody Loflin, Code Enforcement representing the City of Susanville and

- 1 ii. **Property Owner* representing himself.

2
3 FINDINGS

4 The Hearing Board makes the following findings.

- 5 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
6 or use property or allow their property to be maintained or used in a manner that creates
7 or fosters the creation of a public nuisance."
8 2. Lloyd Trevanion Harvey (Deceased) is the owner of and the property located at 10 Santa
9 Paula Street.
10 3. Kevin Lee Harvey is listed as next of kin of the decedent, and Matthew Mathers has
11 identified himself as a responsible party of the property located at 10 Santa Paula Street.
12 4. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers were properly
13 served with a Notice of Violation on October 1, 2020, November 1, 2021, and on January 24,
14 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
15 5. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers were properly
16 served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing
17 on April 19, 2022, and that said notice was properly posted at 10 Santa Paula Street on
18 April 19, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
19 6. The condition of the property and certain outbuildings located at 10 Santa Paula Street is a
20 public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

21 ORDERS

22 The Hearing Board orders the following.

- 23 1. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must abate the
24 public nuisance at 10 Santa Paula Street by doing the following at 10 Santa Paula Street:
25 a. Must make repairs to the building located at 10 Santa Paula Street and bring
26 structure into compliance with the California Building Code.
27
28

- 1 b. The shed / accessory structure in the rear of the property must be brought into
2 compliance with the building code and all permits must be obtained for the
3 structure.
- 4 c. All inoperable vehicles must be removed from the property
- 5 d. All trash, debris, junk, rubbish and discarded household goods must be removed
6 and properly disposed of in accordance with state law.
- 7 e. Repairs must be made to the fence along the side property lines and with the fence
8 along the alleyway.
- 9 2. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must fully
10 abate this public nuisance no later than July 11, 2022.
- 11 3. Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers must obtain
12 any and all required permits that may be required to abate the public nuisance at 10 Santa
13 Paula Street.
- 14 4. After Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers abates the
15 nuisance at 10 Santa Paula Street, Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey,
16 Matthew Mathers must contact the Building and Planning Department at the City of
17 Susanville and request that an official at the City of Susanville inspect the condition of the
18 property and buildings at 10 Santa Paula Street to determine if the public nuisance was
19 abated.
- 20 5. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers does not
21 abate the public nuisance at 10 Santa Paula Street by 11:59 pm on July 11, 2022, the City of
22 Susanville may have the property at 10 Santa Paula Street abated.
- 23 6. If Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers do not abate
24 the public nuisance at 10 Santa Paula Street by 11:59 pm on July 11, 2022, an administrative
25 penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be
26 assessed as followed:
- 27 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
28 with.

- 1 b. Effective from November 1, 2021
- 2 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
- 3 costs and interest.
- 4 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 5 7. All costs of the City's abatement efforts, including the abatement work and administrative
- 6 time to investigate and to hear and effect the abatement shall be charged against Lloyd
- 7 Trevanion Harvey (Deceased), Kevin Lee Harvey, Matthew Mathers as a personal debt or
- 8 may be assessed upon 10 Santa Paula Street and will constitute a lien or special assessment
- 9 upon the property until paid.
- 10 8. This Order shall be effective for one year after issuance. During such period, the hearing
- 11 board shall retain jurisdiction over the conditions of the building, structure or property
- 12 which constituted the nuisance established by this Order, as well as the abatement
- 13 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
- 14 property is maintained in such a manner as not to create a nuisance. If, during this one-
- 15 year period, any enforcement official determines that the same or another nuisance, as
- 16 defined by this chapter exists with respect to the building, structure or property, he or she
- 17 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
- 18 Susanville Municipal Code of Lloyd Trevanion Harvey (Deceased), Kevin Lee Harvey,
- 19 Matthew Mathers do not abate the nuisance at any time within the abatement period, the
- 20 City may proceed with the abatement itself under the provisions of section 8.32.190 of the
- 21 City of Susanville Municipal Code without further action of the hearing board. The City of
- 22 Susanville may also recover all of its abatement effort costs as provided for in the City of
- 23 Susanville Municipal Code.

24

25 Dated: _____

26 _____

27 Wayne Jambois, Chairperson

28 Susanville Planning Commission

RESOLUTION NO. 22-1100
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 10
SANTA PAULA 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 conditions of real property upon the lands of 10 Santa Paula Street have been declared to be a dangerous building and conditions constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 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 10 Santa Paula Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Lloyd T. Harvey is the owner of record for the property of 10 Santa Paula Street.
- C. Kevin Lee Harvey is the next-of-kin to Lloyd T. Harvey who is deceased.
- D. Matthew Mathers has identified Lloyd T. Harvey as a familial relative and has taken responsibility for the property of 10 Santa Paula Street.
- E. 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 765 Shasta Street subject to the terms, agreements, and conditions as follows:

1. Repairs must be made to the main structure and bring into compliance with the California Building Code.
2. The accessory building in the rear of the property must be brought into compliance with the California Building Code and all permits must be obtained for this accessory building.
3. All inoperable vehicles must be removed from the property
4. All trash, debris, junk, rubbish, and discarded household goods must be removed and properly disposed of in accordance with state law.
5. Failure to abate the public nuisance, 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 dated November 1, 2021; and
6. The daily accrual of any civil penalty shall cease when the conditions of this

abatement order are fully complied with.

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. 22-1100 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.D
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Consider **Resolution No. 22-1101** approving the issuance of a Nuisance Abatement Order for 17 Orange Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 17 Orange Street suffered major structural damage due a structure fire that occurred on February 19, 2021. The City of Susanville has declared the structure to be a Dangerous Building pursuant to section 15.10.010 of the Susanville Municipal Code. Subsequently, the Susanville Municipal Code declares dangerous buildings to be a public nuisance. Chapter 8.32 of the Susanville Municipal Code provides 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 No. 22-1101** approving the issuance of a Nuisance Abatement Order

ATTACHMENTS:
[Staff Report - 17 Orange Street.pdf](#)
[Item 4D Exhibit Packet.pdf](#)
[17 Orange Resolution.docx](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 12, 2022

FILE NUMBER	CE#2022-003		
OWNER	Deborah Routhier		
REQUEST	Issuance of a Nuisance Abatement Order for a fire damaged structure.		
ASSESSOR'S PARCEL NO.	107-152-011-000		
LOCATION	17 Orange Street		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-1	Residential
	South	R-1	Residential
		R-2	Residential
	East	R-1	Residential
		C-O	Commercial
	West	R-1	Residential
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The structure located at 17 Orange Street suffered major structural damage related to a residential structure fire that occurred on February 19, 2021. Due to the extent of structural damage caused by the fire, the structure has been declared to be a Dangerous Building and subsequently a public nuisance pursuant to our code. The structure is currently unsecured and is accessible to the transient population of the area. The structure is inherently dangerous and is a source of blight for the community and could potentially pose a public safety threat in the form of general health and fire and life safety.

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.

- Notice of Violation issued on February 9, 2022, by Cody Loflin, Code Enforcement
- Notice of Intent to Abate and Notice of Public Hearing issued on April 13,

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)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.
- 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(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values if surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, trees, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 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.

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table ParcelQuest Property Information Property Address: 17 Orange Street Name of Property Owner: Deborah Routhier	
D	Susanville Fire Department Incident Reports and Invoices Incident # 2021-212 SIFC # 2021-000913	
E	Notification of Nuisance dated February 9, 2022, with signed Proof of Service by Mail.	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated April 13, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

G	Pictures from April 14, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 17 Orange Street	
H	Miscellaneous Documents	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

17 Orange St.

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given no less than 10 days (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.52.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the	20	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

	Hearing 1. City sends a letter to the Responsible Party giving them no less than 10 days (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be no less than 10 days after the abatement period ends. 5. Service must be by posting notice in conspicuous place on or in front of the building, structure or property in question, as well as personal service on responsible party or registered or certified mail	responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time, date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient. (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	Nuisance Abatement Hearing 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies. 8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development	
4	Decision of Planning Commission 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.		

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. <u>Service must be by posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid. 8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.	5
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CITY OF SUSANVILLE
EXHIBIT 'B'

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ORDINANCE NO. 17-1011
AN ORDINANCE REPEALING AND REPLACING CHAPTERS 1.12 GENERAL PENALTY,
10.22.030 DEFINITIONS, 8.32 ADMINISTRATIVE NUISANCE ABATEMENT AND 8.40
ADMINISTRATIVE CITATIONS AND ADDING CHAPTERS 8.52 PROPERTY
MAINTENANCE, 15.09 NEGLECTED VACANT BUILDINGS AND 15.10 ABATEMENT OF
DANGEROUS BUILDINGS TO THE SUSANVILLE MUNICIPAL CODE

WHEREAS, Susanville City Council has the authority, under its police power, to enact regulation for the public peace, safety, morals and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the Susanville City Council finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the city; and

WHEREAS, the Susanville City Council is committed to protecting the public peace, safety, morals and welfare by providing security and protection to the community from harms and wrongdoings that arise from public nuisances and that certain conditions ; and

WHEREAS, the Susanville City Council has an interest in maintaining the City of Susanville in an orderly and esthetically pleasing condition, to maintain property values and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize 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 finds that City of Susanville's municipal code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City of Susanville proposes amending existing regulations relating to abating public nuisances and recouping the costs related to the enforcement of said regulations as well as adopting new regulations to address the public nuisance stemming from buildings, structures and properties which contribute to neighborhood blight

THE CITY COUNCIL OF THE CITY OF SUSANVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12 General Penalty is hereby repealed and replaced with the following:

1.12 General Penalty

1.12.010 General penalty—Violations.

Civil Actions. The city attorney may bring an action in a court of competent jurisdiction to enjoin a violation of any provision of this code or any other ordinance of the city, or to enforce administrative penalties imposed.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

- 1 A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2 B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the
3 same ordinance, term, or condition within one year from the date of the first violation, or \$500 for
4 a second violation of a building or safety code within one year from the date of the first violation;
5 C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional,
6 violation of the same ordinance, term, or condition within one year from the date of the first
7 violation, or \$1,000 for a third violation of a building or safety code within one year from the date
8 of the first violation;

9 A second or subsequent violation need only be of the same ordinance, term, or condition
10 to require the larger fine, and need not involve the same personnel or property, provided that the
11 same responsible party is cited. The fine amounts shall be cumulative where multiple citations
12 are issued.

13 Wherever in this code or in any other ordinance of the city including codes adopted by
14 reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall
15 be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or
16 imprisonment not to exceed six months.

17 Every day the violation of this code or any other city ordinance continues shall constitute
18 a separate offense.

19 1.12.020 Recovery of attorneys' fees and costs.

20 A. In addition to all other remedies and cost recovery authorized or provided by any
21 provision of this code or any other law, any person violating any provision of this code shall be
22 liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such
23 violation or enforce such person's compliance with this code, including recovery of the city's
24 reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an
25 administrative determination or court order against such person. This section does not apply to
26 public nuisance abatement actions for which attorneys' fees are authorized under subsection B
27 of this section.

28 B. In any action or proceeding brought by the city to abate a public nuisance, the
prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to
Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding
in which the city has elected, at the commencement of such action or proceeding, to seek recovery
of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a
prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action
or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may
pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes,
interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and
any other sum required to be paid under any provision of this code or any other law. Upon giving
advance written notice that the debtor will be subject to collection costs if the debtor does not pay
the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees
and costs associated with the collection of the amount owed regardless of whether the city
pursues said collection through litigation or by any other means. As used herein, "costs" include,
but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs
incurred in the collection action, and those costs set forth in Code of Civil Procedure Section
1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total
amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

1 10.22.030 Definitions.

2 As used in this chapter:

3 A. "Highway" means a way or place of whatever nature, publicly maintained or open
to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

4 B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for
mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical
malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of
5 Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but
is not limited to, a vehicle which cannot be legally driven on any public street or other area due to
6 lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any
other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable
7 vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

8 C. "Owner of the land" means the owner of the land on which the vehicle, or parts
thereof, is located, as shown on the last equalized assessment roll.

9 D. "Owner of the vehicle" means the last registered owner and the last legal owner of
record.

10 E. "Public property" does not include "highway."

11 F. "Vehicle" means a device by which any person or property may be propelled,
moved, or drawn upon a highway except a device moved by human power or used exclusively
upon stationary rails or tracks.

12 **Section 3.** Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced
13 with the following:

14 Chapter 8.32 Administrative Nuisance Abatement

15 8.32.010 Purpose.

16 This administrative nuisance abatement process is intended to enable the city to respond
effectively to public nuisances in order to maintain and protect the public peace, safety, welfare
and order and to provide security and protection to the community from harms and wrongdoings.
17 This process makes available an alternative remedy to instituting a civil suit to enjoin public
nuisances by authorizing the administrative body to impose orders and conditions to abate and
18 halt public nuisances.

19 8.32.020 Applicability.

20 A. This chapter provides for administrative abatement of public nuisances, which is
in addition to all other legal remedies, criminal or civil, which the city may pursue to address any
21 public nuisance.

22 B. The use of this chapter shall be at the sole discretion of the city.

23 C. The city may proceed to abate a public nuisance under this chapter against any or
all persons responsible for creating or fostering the creation of the public nuisance, without regard
to whether or not the person owns the property upon which the public nuisance is occurring.

24 8.32.030 Definitions.

25 A. "Hearing Board" means the planning commission of the city of Susanville sitting as
the hearing board of the city of Susanville, or its successor, or such other board or commission of
the city that the city council may, by resolution, authorize to perform the functions of the hearing
26 board under this chapter.

27 B. "Responsible Party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
28 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

any business, company, or entity subject to this chapter; any person or the parent or legal guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit, entitlement, review, or agreement described.

8.32.040 Public nuisance prohibited.

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.

8.32.050 Public nuisance defined.

For purposes of this chapter, a public nuisance means any of the following:

A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:

1. Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code;

2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.

4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:

1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;

2. A failing private sewage disposal system;

3. An unprotected excavation or an abandoned and uncovered well; or

4. A well with a casing not sealed as required by applicable regulations.

C. A condition of real property or a 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:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;

2. An abandoned and dilapidated building or portion of a building; or

3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.

4. The maintenance of property in the city in violation of chapter 8.52 of this code.

5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter 10.22 of this code.

D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:

1. An unfenced or otherwise unenclosed outdoor swimming pool; or

2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
period expires.

5 8.32.100 Right of entry procedures

6 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
7 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
8 there is reasonable cause to believe that there exists a violation of any provision of such
9 ordinance, resolution or code in any building, or upon any premises, or whenever any
10 enforcement official of the city has reasonable cause to believe that any building or premises is
11 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
resolution or code, an enforcement official of the city may enter such building or premises at a
reasonable time to inspect the same and to perform any duty imposed upon such official by any
provision of such ordinance, resolution or code. However, except in emergency situations, when
consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
enforcement official shall give notice as follows:

12 1. If the building or premises is occupied, the enforcement official shall first present to
13 the occupant city-issued credentials that include the enforcement official's name, position, title,
and photograph. The enforcement official shall then request entry at a time convenient to the
occupant within 24 hours of the time of the request;

14 2. If the building or premises is unoccupied, the enforcement official shall first make a
15 reasonable effort to locate the owner or other person having charge or control of the building or
16 premises, and if located, the enforcement official shall present credentials to the owner or other
17 person and then request entry at a time convenient to such owner or other person, but within 48
18 hours of the entry request;

19 3. If the owner or other person is located outside of the city, the enforcement official may
20 notify that person by telephone or letter, and in doing so shall transmit sufficient information to
21 identify the enforcement official's capacity to the owner or other person and may request entry at
22 a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

23 If entry is refused by the occupant, the owner, or other person having charge or control of the
24 building or premises, or the enforcement official, after making a reasonable effort, cannot locate
the owner, or other person having charge or control of the building or premises, so as to request
entry, then the enforcement official may seek and obtain an administrative inspection warrant
pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

25 B. Any enforcement official of the city or a duly authorized representative or agent of the
26 city may enter upon a property to access the exterior of the building or structure for the purpose
27 of posting or serving notice.

28 8.32.110 Service of notices and order to abate.

Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
or other items as required under this chapter shall be made by posting a notice in a conspicuous
place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

17 **8.32.200 Record of cost for abatement; notice of cost hearing.**

18 The city finance manager, the enforcement official or such other city official as may be
19 designated shall keep an account of all costs incurred by the city in abating nuisances on each
20 separate lot or parcel of land where the work is done and shall render a written itemized report to
21 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
22 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
23 demolition or removal of said premises, building or structures, including any salvage value relating
24 thereto and any incidental expenses; provided that before said report is submitted to said city
25 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
26 with a notice of the time when said report shall be heard by the City Council for confirmation; a
27 copy of said report and notice shall be served upon the owners of said property, in accordance
28 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
the same to the city council; proof of said posting and service shall be made by affidavit filed with
the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
preparation of specifications the preparation and award of contracts, all costs of inspecting any
work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

8.32.210 Cost report – Hearing and proceedings.

At the time and place fixed for receiving and considering the cost report, the city council
shall receive, hear and consider the report, together with any other relevant evidence, objections,
protests or testimony. Thereupon, the Council may make such revision, correction or modification
to the report as it may deem just after which, by resolution, the details of the report, as submitted
or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
- Commencement of foreclosure action.

27 When directed to do so by the city council, the city attorney shall commence an action in
28 a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
to accrue on the date the nuisance abatement order has been complied with as determined by
the city attorney or the board.

11 D. Penalties assessed by the board shall be due by the date specified in the nuisance
abatement order.

12 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
13 other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
14 against the subject real property.

15 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
attorney that the nuisance abatement order has been complied with and if the city attorney finds
17 that compliance has been achieved, the date that the written notice was postmarked or personally
delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
18 shall be deemed to be the date of compliance with the nuisance abatement order.

19 8.32.300 Violations.

20 A. Any responsible party who maintains any public nuisance defined in this chapter and
who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
or with any person who owns, leases, occupies or has charge or control over any building,
25 structure or property when any of the aforementioned individuals are lawfully engaged in
proceedings involving the abatement of a nuisance under this chapter may be charged with either
26 an infraction or a misdemeanor.

27 8.32.310 Interest.

Any person who fails to remit payment to the city of any penalty, cost or any other charge required to be paid to the city pursuant to a nuisance abatement order under this chapter on or before the date the penalty, cost or other charge is due shall, in addition to the amount of the penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the city.

8.32.320 Report of compliance after nuisance abatement order.

If the enforcement official determines that compliance with the nuisance abatement order has been achieved, the enforcement official shall file a report with the city clerk acting as secretary of the hearing board indicating that compliance has been achieved and the date of the city's final inspection of the subject property.

8.32.330 Compliance dispute.

A. If the enforcement official does not file a report pursuant to Section 8.32.340, a person subject to the nuisance abatement order who believes that compliance has been achieved may request a compliance hearing before the hearing board by filing a request for a hearing with the secretary of the board.

B. The hearing shall be noticed and conducted in the same manner as a hearing on an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

C. The hearing board shall determine if compliance with the nuisance abatement order has been achieved and, if so, when it was achieved.

Section 4. Chapter 8.40 Administrative Citations is hereby repealed and replaced with the following:

CHAPTER 8.40 Administrative Citations

8.40.10 Purpose.

This chapter provides for administrative citations in addition to all other civil remedies and as an initial alternative to any criminal remedy which may be pursued by the city to address any violation of this code. The use of this chapter shall be at the sole discretion of the city. The use of any other enforcement proceedings provided for by this code shall not be considered a prerequisite for the use of this chapter, nor shall the use of this chapter be considered a prerequisite for the use of any other enforcement proceedings.

A. The City Council hereby finds that an appropriate method of enforcement is the imposition and collection of administrative fines as independently authorized by both California Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section 53069.4.

B. The City Council further finds and determines that enforcement of the Susanville Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements, permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the police power is a matter of public health, safety and welfare and serves important public purposes. The City of Susanville adopts this administrative citation program in order to achieve the following goals:

1. To protect the public health, safety and welfare of the City and its citizens;
2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and regulations of the City enacted pursuant to its police powers, and the conditions of approval of permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
11 entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
14 environmental review, or any term or condition of any agreement with the City made pursuant to
the police power may be issued an administrative citation by an enforcement official as provided
15 in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
violations of that code and all uncodified ordinances. A violation of a condition of approval of a
16 permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
17 specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
right-of-way permit. A violation of a condition of approval of an environmental review includes,
18 but is not limited to, any environmental impact report, mitigated negative declaration, negative
declaration, or determination of categorical exemption. A violation of a term or condition of any
19 agreement with the City made pursuant to the police power includes, but is not limited to, any
development agreement, owner participation agreement, disposition and development
20 agreement, road maintenance agreement, any easement, license, or other real property use
agreement, or any agreement made with the city to implement any ordinance, plan, permit,
21 entitlement, or review approved by the City.

22 B. Each and every day a violation exists constitutes a separate and distinct offense.
A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
26 administrative citation until the responsible party for a violation has first been given notice of the
violation and an opportunity to correct the violation, in accordance with the procedures set forth
27 in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
28 of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
17 chapter shall be deemed served when made in writing and either personally delivered to the
18 responsible party for the violation or deposited in the United States mail, first class postage
19 prepaid, addressed to such responsible party at their last known address. However, if a citation
20 or notice is required to be served on the owner of property, it shall be deemed served when made
21 in writing and deposited in the United States mail, addressed to the owner at the owner's address
as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
addition, the administrative citation shall be posted on the real property that is the subject of the
violation. Service of a citation or notice by mail in the manner provided for by this section shall be
effective on the date of mailing, and the failure of any person to actually receive any citation or
notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
24 electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
of this code, the enforcement official shall issue a written notice of violation to any responsible
25 party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 26 A. The date and location that the violation was observed;
- 27 B. The section of this code violated and a description of the violation;
- 28 C. The actions required to correct the violation;
- D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

1
2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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 thirty (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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
8 satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

9 E. If the finance manager determines not to issue an advance deposit hardship
10 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
11 decision.

12 F. The finance manager shall issue a written determination listing the reasons for his
13 or her determination to issue or not issue the advance deposit hardship waiver. The written
determination of the finance manager shall be final and shall be served upon the person who
14 applied for the advance deposit hardship waiver.

15 8.40.120 Hearing Board.

16 The "hearing board" for administrative citations shall be the same as defined in section
17 8.32.030 of this code.

18 8.40.130 Hearing procedure.

19 A. No hearing to contest an administrative citation before the hearing board officer
20 shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
21 or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

22 B. A hearing before the hearing board officer shall be set for a date that is not less
23 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
24 is filed in accordance with the provisions of this chapter.

25 C. At the hearing, the administrative citation and any written report submitted by the
26 enforcement official shall constitute prima facie evidence of the respective facts contained in the
27 citation. Both the party contesting the administrative citation and the enforcement official shall be
28 given the opportunity to testify and to present additional evidence concerning the administrative
citation. Such evidence may include the testimony of other witnesses, or the introduction of
documents or other evidence. Such testimony, written documents, or other evidence sought to
be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
it shall be relevant and material to the issues of whether the violation alleged in the citation
occurred and whether the person cited committed, caused or was responsible for the violation.
Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
accordance with the fundamentals of due process. The hearing board may limit the total length of
the hearing to one hour, and shall allow the appellant at least as much time to present its case as
is allowed the city.

D. The failure of any recipient of an administrative citation to appear at the
administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

E. The administrative citation and any additional report submitted by the enforcement
officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

1
2 8.40.180 Procedural compliance.

3 Failure to comply with any procedural requirement of this chapter, to receive any notice or decision
4 specified in this chapter, or to receive any copy required to be provided by this chapter shall not
affect the validity of proceedings conducted hereunder unless the responsible party is denied
constitutional due process thereby

5 **Section 5.** Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code
as follows:

6
7 Chapter 8.52 Property Maintenance

8 8.52.010 Purpose and Intent of chapter.

9 It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to
10 any other remedy available by law or equity, whereby lands or buildings which are dilapidated,
11 unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles,
machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health,
morals, property values, aesthetic standards, or the general welfare of the city, may be required
to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive
conditions.

12 Additionally the purpose of this chapter is to provide minimum standards for the maintenance of
13 property in the city. Where this chapter imposes a greater restriction upon property or structures
thereon than is imposed or required by existing provisions of law, ordinance, contract or deed,
14 the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate,
annul or in any way impair or interfere with existing provisions of other laws or ordinances or with
15 private restrictions placed upon property by covenant, deed or other private agreement or with
restrictive covenants running with the land to which the city is a party.

16
17 8.52.020 Responsibilities for property maintenance.

18 Every owner, lessee, occupant or person having charge or control of buildings, structures or
19 property within the city is required to maintain the buildings, structures or property in a manner so
as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having
charge or control of the building, structure or property remains liable for violations hereof
20 regardless of any contract or agreement with any third party regarding the same. The duty
imposed by this section on an owner shall in no instance relieve those other persons referred to
herein from the same duty.

21 8.52.030 Classification of nuisances.

22 The following acts and conditions, when performed or existing upon any lot or parcel of land within
the city, are declared to be unlawful and are defined as and declared to be public nuisances which
23 are injurious or potentially injurious to the public health, safety and welfare, which have a tendency
to degrade the appearance and property values of surrounding property and/or which cause
24 damage to public rights-of-way:

25 A. Structures or buildings, both permanent and temporary, or other lot improvements
including buildings or sheds exempt from obtaining a building permit, which are subject to any of
26 the following conditions:

- 27 1. Faulty weather protection, including, but not limited to, the following:
28

- 1 a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding
2 of any kind, roofs, foundations or floors;
3 b. Broken, damaged or missing windows or doors; and
4 c. Painted or unpainted surfaces suffering from dry rot, warping or termite
5 infestation;
6 2. Building or structures which are under construction or rehabilitation and are not
7 completed within a reasonable time or whose building permit for such construction or
8 rehabilitation has expired;
9 3. Fences or walls which are in a hazardous condition, which are in disrepair or which
10 hinder free access to public sidewalks or rights-of-way or are maintained in such a
11 condition to have a tendency to degrade the appearance and property values of
12 surrounding property. All fencing, including gates shall be maintained in sound condition
13 free of damage, breaks, or missing structural members. Areas that are leaning, buckling,
14 sagging, or deteriorating shall be repaired or replaced with material compatible with the
15 undamaged portions of the fence. Where fencing has been painted and it shall be
16 maintained and kept free of chipping, peeling, scaling or missing paint;
17 4. Substantial deterioration of porches, landings, patios, stairways or guardrails which,
18 although not otherwise constituting an unsafe structure as defined in this code, are visible
19 from public rights-of-way or neighboring properties and are injurious or potentially injurious
20 to the public health, safety and welfare or have a tendency to degrade the appearance
21 and property values of surrounding property;
22 5. Broken or defective elements of a building, structure, parking lot or landscaped area
23 which are injurious or potentially injurious to the public health, safety and welfare or have
24 a tendency to degrade the appearance and property values of surrounding property;
25 6. Litter, debris or abandoned personal property scattered in the interior of a vacant or
26 unoccupied building or structure in such a manner as to create a fire hazard, health hazard
27 or other condition which is injurious or potentially injurious to public health, safety and
28 welfare;
- B. Vegetation, trees, landscaping or other plant materials which are subject to any of
the following conditions:
1. Overgrown or in such a condition that they are or are likely to:
- a. Harbor rats, vermin or other vectors;
b. Provide a harboring place for vagrants or other persons;
c. Which encroaches into, over, or upon any public right-of-way, including, but not limited
to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or
property or any impediment to public travel; or
d. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
e. Create a fire hazard as determined by the fire chief or duly authorized agent.
2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely
to:
- a. Be injurious to the public health, safety and welfare or have a tendency to depreciate
the appearance and property values of surrounding properties;
b. Create a fire hazard or health hazard;
- C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational
vehicles, wood splitters or other similar vehicles and equipment on residentially used property is
prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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 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;

- 1 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal,
2 tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling
3 containers or as may be permitted by this code or the zoning classification of the property;
- 4 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
5 of Chapter 10.22 of this code;
- 6 7. Outdoor storage or scattering of materials, equipment or other items on residentially
7 used property which is not typically associated with such use, which is inconsistent with
8 the zoning classification of the property and which creates a fire hazard or health hazard
9 or which is otherwise injurious or potentially injurious to the public health, safety and
10 welfare;
- 11 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 12 F Packing boxes or similar storage containers which are stored in yards or unenclosed
13 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
14 are otherwise injurious or potentially injurious to the public health, safety and welfare;
- 15 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
16 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
17 public property;
- 18 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
19 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
20 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
21 paved driveway if a paved driveway has been developed on the property or on an existing gravel
22 driveway if the property was developed prior to the requirement for a paved driveway;
- 23 I. To allow or permit graffiti to remain on any building, fence, wall, structure, sign or
24 vehicle when visible to the public street, highway, right-of-way or public place for more than 1
25 week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure,
26 mark or design that is written, marked, etched, scratched, drawn or painted on any surface in
27 violation of this code or other state or local law;
- 28 J. Signs constructed, erected or maintained in violation of the provisions of Chapter
17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition
or its location, is injurious or potentially injurious to the public health, safety and welfare or has a
tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any
purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.
- 8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter
8.32 of this code or the issuance of an administrative citation as provided for in chapter 8.40.

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
10 are a major cause and source of blight in both residential and nonresidential neighborhoods,
11 especially when the owner of the building fails to actively maintain and manage the building to
12 ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
13 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
14 occupation. The use of vacant buildings by transients, who may employ primitive cooking or
heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
buildings, whether or not those buildings are boarded, discourage economic development and
retard appreciation of property values. It is the responsibility of the owner to prevent owned
property from becoming a burden to the neighborhood and community, and a threat to the public
health, safety and welfare.

15 The City Council also finds that because of the potential economic and public health,
16 safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
17 buildings so that they do not become attractive nuisances, are not used by vagrants or
18 trespassers, are properly secured and maintained, and do not become a blighting influence in the
19 neighborhood. City departments involved in such monitoring include the police department, fire
department, planning and building division and engineering division. There is a substantial cost
to the city for monitoring vacant buildings which should be paid by the owners of the vacant
buildings. The city has established the vacant building monitoring program to accomplish this
purpose.

20 The purpose of this chapter is to require that vacant dwellings and buildings within the
21 incorporated limits of the City of Susanville are maintained to certain minimum standards and
22 suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
appreciable periods of time do not become public nuisances.

23 15.09.020 – Remedies for violation.

24 A building that is vacant or vacant and boarded in violation of this chapter is a public
25 nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

26 The remedies, procedures and penalties provided by this chapter are cumulative to each other
27 and to any others available under state law or other city ordinances. The imposition of a vacant
28 building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.

Any person violating the provisions of this chapter may be charged with either an infraction for each day such violation continues or with a misdemeanor. In addition to the remedies provided herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

15.09.030 - Vacant and neglected vacant building.

A. "Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied or occupied by unauthorized persons. The definition includes without limitation, buildings or structures of any nature intended for human habitation, occupation or use and includes manufactured housing or mobile homes. A neglected vacant building is a vacant building which is not maintained in accordance with the provisions of this chapter.

B. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if:

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant materials in good condition;

b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;

c. Regular removal of all exterior trash, debris and graffiti;

d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;

e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant building to maintain, or cause or permit the maintenance of the vacant building as a neglected vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition which does not create a hazard to public health or safety.

15.09.060 - Fire safety standards.

A. All vacant buildings shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which may constitute a fire hazard.

B. No vacant building or portion thereof shall be used for the storage of hazardous, combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

C. Heating facilities maintained in accordance with applicable codes. If heating equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in accordance with applicable codes and ordinances and the water supply to the building turned off to prevent burst water pipes in freezing weather conditions.

D. The street address of the building shall be posted and shall be visible from the street.

15.09.07 - Security standards.

A. All vacant buildings shall be maintained in a way which secures it from any unauthorized entry.

B. The owner or responsible agent of a vacant building which has remained unoccupied for a period of more than thirty days and which has suffered from vandalism, broken windows, broken doors or which had an unauthorized entry must repairs such damage within 15 days of becoming aware of such damage. Alternately, the owner or responsible agent may provide security which is adequate to prevent further deterioration and/or unauthorized entry for a time period of up to 6 months. After 6 months the building must un-boarded and actively maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly monitoring fee described in section 15.09.120 shall be applied to the property.

Methods of securing the building or structure must meet or exceed the following minimum standards or equivalent standards as determined by the city building official.

1. Windows. Windows and similar openings shall be boarded with exterior grade plywood of minimum thickness three-fourths inch (to be consistent with door security standards) or its equivalent. Vent holes may be required, as deemed necessary by the building official. The plywood shall be secured in place, as a minimum standard, by a set of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large washers at each end. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two such cross members shall be used on each window. Each cross member shall be a continuous piece of lumber, and each should extend approximately one foot past the window opening in each direction unless interior condition limit such extension. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and into each unit of the building. If an existing door is operable but lacks an operable locking mechanism it may be used and secured with a suitable lock such as a hasp and minimum

1 two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-
2 half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and
3 frame(s) have been damaged, the main exterior (required) residential exit door(s) and all
4 commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum
5 thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum
6 one-eighth-inch clearance at each edge from the door jambs and threshold. The existing
7 door should be removed. The plywood shall, as a minimum standard, be attached to three
8 Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-
9 eighths-inch carriage bolts and matching hardware, with nuts located on the interior side
10 of the structure. The plywood shall be attached to the door entry with three case-hardened
11 strap hinges located at quarter points and the plywood shall be secured by two case-
12 hardened steel hasps located at third points on the strike side of the door and minimum
13 two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall
14 be the nonreversible type that do not give a purchase for pliers or pry bars. All other
15 unsecured residential doors providing exterior access shall be removed and be secured
16 in the same fashion as windows noted above.

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18 3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing
19 pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked
20 with the existing garage lock or a newly installed one. In an attached garage it is
21 acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-
22 four lumber through the overhead mechanism on the inside of the door. The two-by-four
23 shall be long enough to go through both sides of the mechanism or shall be nailed in place
24 on the inside so that it cannot fall out. Secondary garage entrances to the outside of the
25 garage shall be secured with strong-backed plywood as described for windows above.
26 Access doors between the house and attached garage need not be boarded. Detached
27 garages shall be secured as separate structures.

28 4. All materials used to cover and secure window door or other openings shall be
painted to match or complement the color of the main structure.

5. The property owner shall obtain a building permit for work done under this section and
an inspection of the work shall be performed by the city.

15.09.080 - Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris,
combustible materials, litter and garbage.

15.09.090 - Appearance.

A. All vacant buildings must be maintained in a manner which minimizes the
appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this
code.

B. All exterior surfaces, including any boarded windows or doors shall be applied with
sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a
sufficient appearance of repair. If the building is subject to an existing use permit all conditions
related to maintenance of the exterior of the structure or parcel on which the building is located
shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept
in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
11 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
building is in violation of this chapter. The fee shall be payable as to any building, residential or
12 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
13 of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

14 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
15 owner of the property. Notice shall be served either personally, by first class mail, or by certified
16 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
17 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
monitoring program. The hearing board may waive the fee and enrollment if the property owners
18 can show that that any of the conditions listed in section 15.09.030 B.3 are applicable to the
building or structure. The owner shall provide substantial evidence supporting the grounds for the
19 waiver. After conducting the hearing and finding that the property is subject to the vacant building
monitoring program, the hearing board shall direct that a bill be sent to the property owner with
20 the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
that notice shall constitute enrollment in the vacant building monitoring program.

21 D. The owner of a vacant building shall not allow or cause any use of the property or
22 any buildings thereon unless the property owner has first corrected the violations which caused
placement into the program and has paid the required quarterly monitoring fee, as well as any
23 other penalties or fines owed to the city.

24 E. Within 15 days of the decision by the hearing board to bill for the vacant building
25 monitoring program fee, the city administrator or his/her designee shall file in the office of the
county recorder a notice that the building is subject to the vacant building monitoring program fee
26 and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

15.10.040 Scope.

This chapter shall apply and govern in those situations where insufficient time exists due
to imminent threat of substantial danger to the public health, safety and welfare to invoke the
procedures of notice and hearing provided for in the California Building Code, Uniform Housing
Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
adopted by the City of Susanville Municipal Code.

15.10.050 Definition.

The term "dangerous structure" as used in this chapter means any building which is
considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
also means any other structure, whether man-made or a condition of nature, which presents an
imminent threat of substantial danger to public health, safety and welfare. Such threat may be

1 presented by, but is not limited to, situations where a structure, or some part thereof, is likely to
2 collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure
3 falling within the definition of "dangerous structure" under is declared a public nuisance.

4 15.10.060 Determination of condition—Order of abatement.

5 The city administrator, with the advice of the building official and such other persons he or
6 she chooses to consult, shall make the determination whether a structure constitutes a
7 "dangerous structure" as hereinabove defined. As an exception to this procedure, the building
8 official is hereby authorized to make said determination in those circumstances where, in his sole
9 discretion, he concludes that an emergency situation exists requiring immediate abatement and
10 that delay to consult with the city administrator would cause substantial risk to public health, safety
11 and welfare. Summary abatement, without the necessity of prior notification to anyone other than
12 occupants of the structure, may be immediately ordered by the city administrator or the building
13 official, whichever has made the determination that a dangerous structure exists. In the event the
14 building official has made the determination and ordered summary abatement, he shall
15 immediately thereafter report to the city administrator as to the situation. If summary abatement
16 is to be accomplished by contract, the building official need not obtain formal bids but may award
17 the contract on the basis of informal solicitations.

18 15.10.070 Effect on existing law.

19 Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any
20 power or authority for ordering summary abatement of dangerous and hazardous conditions
21 invested in the City of Susanville fire chief under the California Fire Code or other provisions of
22 law.

23 **Section 8.** The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be
24 published at least once in the Lassen County Times, an adjudicated newspaper of general
25 circulation, published and circulated within the City.

26 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
27 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
28 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
declared that this Ordinance and each section, subsection, clause and phrase hereof would have
been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or
more other sections, subsections, sentences, clause or phrases be declared invalid or
unconstitutional.

29 **Section 10.** This Ordinance shall take effect upon the thirty-first day after its final passage.

30 APPROVED: _____

Kathie Garnier, Mayor

31 ATTEST: _____

Gwenna MacDonald /City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	Notification of Nuisance 1. Manner Served: FIRST CLASS MAIL 2. Served On: DEBORAH ROUTHIER 3. Date of Service: FEBRUARY 9, 2022 4. Compliance Deadline Stated in Notice: MARCH 15, 2022	10 OK	34 OK	2-9-22 OK	3-15-22 OK	4-1-22 OK
2	Notice of Intent to Abate and Notice of Public Hearing 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: APRIL 13, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): MAY 1, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 12, 2022 5. Date Notice Posted at Property: APRIL 14, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: APRIL 13, 2022	20 OK	29 OK	4-13-22 OK	5-1-22 OK	5-13-22 OK
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 12, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	10 OK	11 OK	4-13-22 OK	5-12-22 OK	5-13-22 OK
4	Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	5				
5	Appeal Abatement Order 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address:

176 Kung St.

Owner's Name:

Deborah Routhier

Phone No.:

Tenant ☐ Yes or ☒ No

Burned - Red Tag



LIST 1
DETAIL

☒ 1 Property Address: 17 ORANGE ST

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **107-152-011-000**
 Parcel Status: **ACTIVE**
 Owner Name: **ROUTHIER DEBBIE**
 Mailing Address: **1087 LOURENCE DR TRACY CA 95376**
 Legal Description:

Assessment

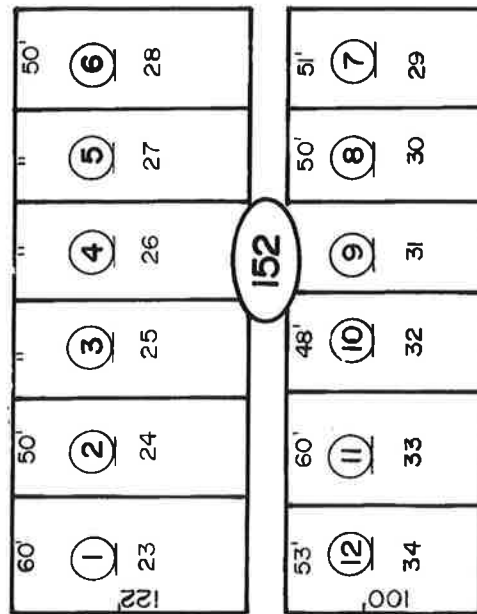
Total Value: \$95,000	Use Code: N1XX	Use Type: RESID. SINGLE FAMILY
Land Value: \$30,000	Tax Rate Area: 001-033	County Zoning:
Impr Value: \$65,000	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$1,030.92	Price/SqFt:
% Improved: 68%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	05/25/2006			05/25/2006
Document Number:	2006R0004784			2006R0004784
Document Type:	GRANT DEED			
Transfer Amount:				
Seller (Grantor):	ROUTHIER, DEBBIE			

Property Characteristics

Bedrooms:	2	Fireplace:	Units:
Baths (Full):	1	A/C:	Stories:
Baths (Half):		Heating:	Quality:
Total Rooms:		Pool:	Building Class:
Bldg/Liv Area:	1,353	Park Type:	Condition:
Lot Acres:		Spaces:	Site Influence:
Lot SqFt:		Garage SqFt:	Timber Preserve:
Year Built:	1935		Ag Preserve:
Effective Year:	1935		



AVE.

AVE.

151

ORANGE

AVE.

TS

LAVERNE

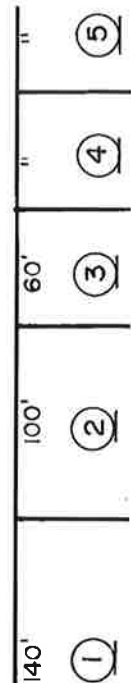
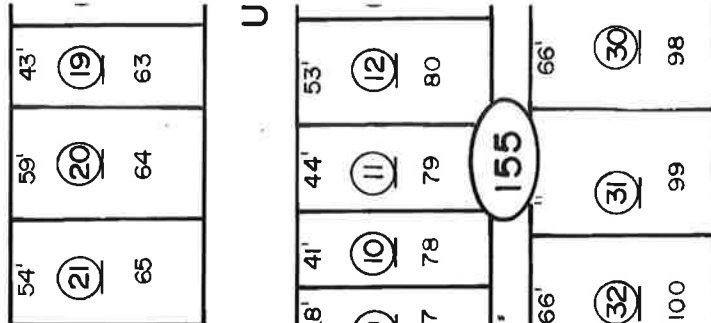
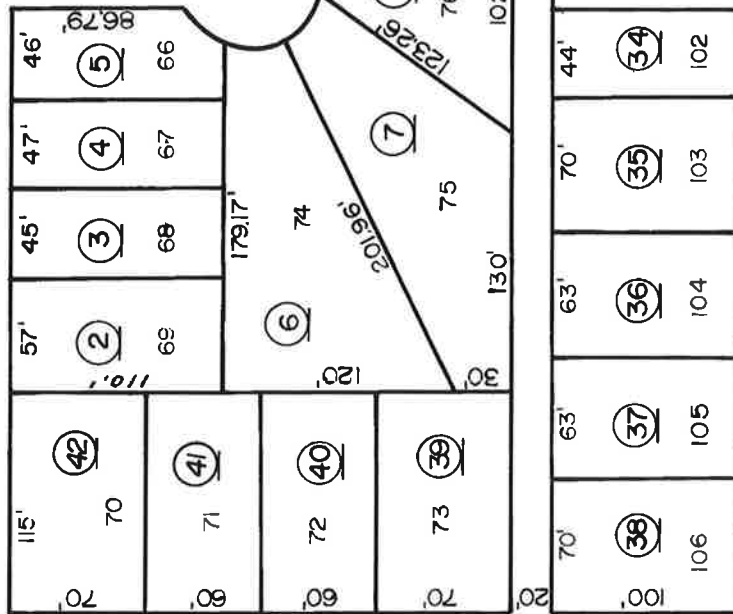
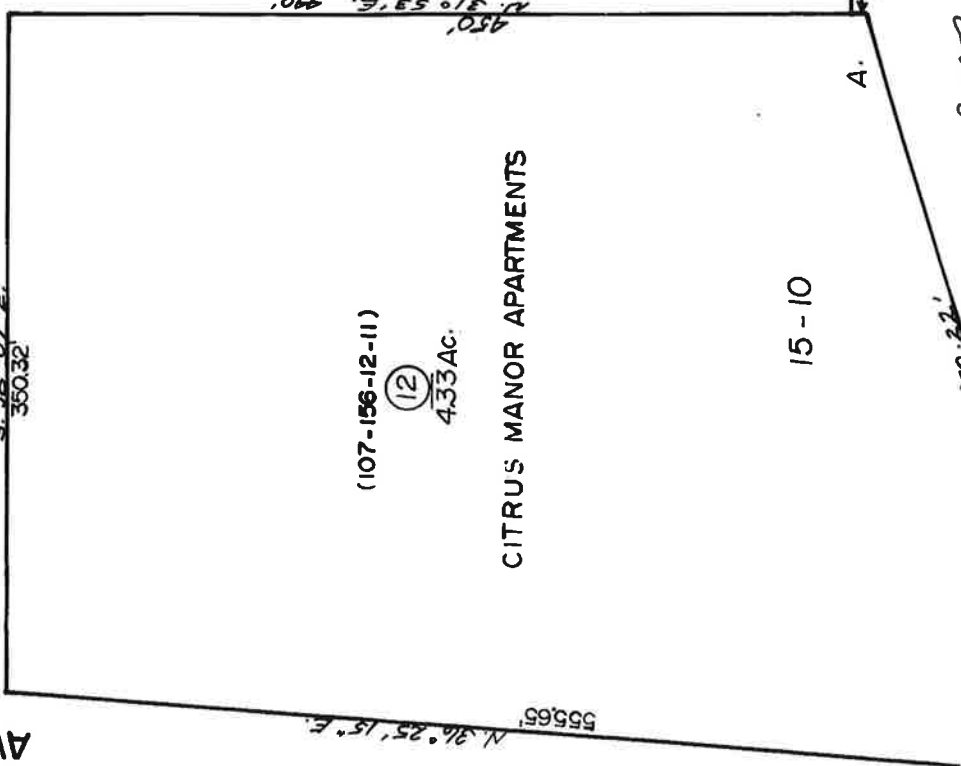
LIMONEIRA

CITRUS MANOR APARTMENTS

15-10

MONROVIA

ALEXANDER





Deborah L. Routhier

September 04, 1959 - December 17, 2021

ON FRIDAY DECEMBER 17, 2021, DEBORAH "DEBBIE" ROUTHIER-FRANTA, LOVING WIFE AND MOTHER OF FOUR CHILDREN, SISTER AND FRIEND, PASSED AWAY AT HOME SURROUNDED BY FAMILY AT AGE 62, AFTER BATTLING LUNG CANCER FOR OVER 2 YEARS.

DEBBIE WAS BORN ON SEPTEMBER 4, 1959 IN TRACY, CALIFORNIA. SHE GRADUATED FROM TRACY HIGH SCHOOL AND PLAYED SOFTBALL GROWING UP AND MOST OF HER YOUNG ADULT LIFE. SHE WAS A TITLE AND ESCROW OFFICER AND A WELL KNOWN NOTARY PUBLIC FOR OVER 30 YEARS. DEBBIE MET THE LOVE OF HER LIFE GARY IN 2003 AND THEY WERE MARRIED IN 2007.

DEBBIE LOVED PAINTING, GARDENING, PANNING FOR GOLD, AND PLAYING THE SLOT MACHINES. SHE LOVED SPENDING TIME WITH HER CHILDREN AND GRANDCHILDREN. SHE WAS KNOWN FOR BEING CARING AND COMPASSIONATE AND WOULD DO ANYTHING FOR THOSE SHE LOVED.

SHE IS SURVIVED BY HER HUSBAND GARY FRANTA, OF 19 YEARS, HER CHILDREN TIM, MICHELLE, DANIELLE AND GARY, HER SIBLINGS RAY, JOEY, MICHAEL, KAREN AND TRISH, AND 9 OF HER 10 GRANDCHILDREN RYAN, CHRISTIAN, KENZIE, GARY, JAXON, BRINLEY, CAMRYNN, JAMES AND COLTON.

SHE IS JOINED IN HEAVEN BY HER MOTHER, SUSAN, HER FATHER, JOE AND HER GRANDDAUGHTER, CHLOE, WHO PASSED ONLY 7 MONTHS BEFORE HER, ALONG WITH MULTIPLE AUNTS AND COUSINS.

A CELEBRATION OF LIFE WILL BE HELD AT FRY MEMORIAL CHAPEL, 550 SOUTH CENTRAL AVENUE, TRACY ON FRIDAY, JANUARY 28, 2022 AT 2:00 P.M. SERVICES WILL BE LIVED STREAMED VIA HER TRIBUTE PAGE.

CITY OF SUSANVILLE
EXHIBIT 'D'



**Susanville Fire
Department**
Station: **1**
Shifts Or Platoon: **A Shift**

Location: 17 Orange ST Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 24' 36.22" W 120° 39' 10.25"	FDID: 18035 Incident #: 2021-212 Exposure ID: 55959229 Exposure #: 0 Incident Date: 02/19/2021 Dispatch Run #: 2021-000913
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Brown , Robert H	ID:	Date: 03/31/2021
Report Reviewed by:	Hernandez , Tom	ID: 601	Date: 05/24/2021
Report Printed by:	Arredondo, Jolene	ID:	Date: 2/8/2022 Time: 15:23

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling		
Automatic Extinguishment System Present: ☐	Detectors Present: ☒	Cause of Ignition: Unintentional	
Aid Given or Received: None	Primary action taken: 11 - Extinguishment by fire service personnel		
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 5		Total # of personnel on call: 10	

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)

Narrative Title: Structure Fire

Narrative Author: Brown, Robert

Narrative Date: 05/24/2021 13:41:25

Narrative Apparatus ID: E-621

Narrative:

02/19/2021 E-621 responded to a reported structure fire located at 17 Orange St, upon arrival met SPD at scene, there were heavy flames and smoke coming from the Alpha side window. The structure was unoccupied at the time. E-621 established command and also provided suppression efforts to the structure, handlines were deployed and the surrounding structures were protected, E-2251 arrived at scene and assisted with interior attack, T-1 and E-623 arrived at scene and was given assignments, T-1 went to the roof for ventilation and E-623 was assigned to the A/D side of the structure to gain access to the fire. The fire was located in the sub floor, interior, and attic areas. E-5210 arrived and assigned to the "Charlie" side of the structure with C-602. Ventilation was completed and the fire was contained to the living room area and in the sub floor. There were still fire in the attic area. The fire was extinguished and fire units performed salvage /overhaul duties.

During the initial attack, it was noticed that the wood stove located in the living room had burn thru the floor. The stove was half way in the floor leaning toward the kitchen area. There were signs of remodeling going on due to the tools and material in the house. The house was secured upon arrival, E-621 made access to the front door, the door seemed to be secure at the bottom by screws. The back door was accessed by C-602 and E-5210 crew. The owner was contacted and he stated there was a worker at the house. The worker at the house admitted he had placed a wood log in the wood stove and was unclear if he had secured the door. The worker placed the log in the stove sometime early morning and did not return that day. He stated that he had fallen asleep at a friends house.

The fire damage was severe around the wood stove area and in front of the wood stove. All electrical wiring was up to date and no signs of an electrical failure. All power tools were located in the kitchen area.

Captain R Brown

#604

APPARATUS

Unit E-621
Type: Engine
Use: Suppression
Response Mode: Initial Lights and Sirens, Downgraded to No Lights or Sirens
of People 2
Alarm 02 /19/2021 02:36:00
Dispatched 02 /19/2021 02:37:00
Enroute 02 /19/2021 02:39:00
Arrived 02 /19/2021 02:42:00
Cancelled -- / -- / -- -- : -- : --
Cleared Scene 02 /19/2021 05:56:00
In Quarters -- / -- / -- -- : -- : --
In Service 02 /19/2021 05:56:00

Unit C-600
Type: Chief officer car
Use: Suppression
Response Mode: Lights and Sirens
of People 1
Alarm 02 /19/2021 02:37:00
Dispatched 02 /19/2021 02:37:00
Enroute 02 /19/2021 02:46:00
Arrived 02 /19/2021 02:55:00
Cancelled -- / -- / -- -- : -- : --
Cleared Scene 02 /19/2021 05:56:00
In Quarters -- / -- / -- -- : -- : --
In Service 02 /19/2021 05:56:00

Unit C-601
Type: Chief officer car
Use: Suppression
Response Mode: Lights and Sirens
of People 1
Alarm 02 /19/2021 02:37:00
Dispatched 02 /19/2021 02:37:00
Enroute 02 /19/2021 03:01:00
Arrived 02 /19/2021 03:30:00
Cancelled -- / -- / -- -- : -- : --
Cleared Scene 02 /19/2021 05:51:00
In Quarters -- / -- / -- -- : -- : --
In Service 02 /19/2021 05:51:00

Unit T-1
Type: Truck or aerial
Use: Suppression
Response Mode: Lights and Sirens
of People 4
Alarm 02 /19/2021 02:37:00
Dispatched 02 /19/2021 02:37:00
Enroute 02 /19/2021 02:47:00
Arrived 02 /19/2021 02:49:00
Cancelled -- / -- / -- -- : -- : --
Cleared Scene 02 /19/2021 05:51:00
In Quarters -- / -- / -- -- : -- : --
In Service 02 /19/2021 05:51:00

Unit E-623
Type: Engine
Use: Suppression
Response Mode: Lights and Sirens
of People 2
Alarm 02 /19/2021 02:37:00
Dispatched 02 /19/2021 02:42:00
Enroute 02 /19/2021 02:50:00
Arrived 02 /19/2021 02:55:00
Cancelled -- / -- / -- -- : -- : --
Cleared Scene 02 /19/2021 05:51:00
In Quarters -- / -- / -- -- : -- : --
In Service 02 /19/2021 05:51:00

Number Of People not on apparatus: 0

FIRE

Acres Burned	None or Less Than One	Acres Burn From Wildland Form	False
Area Of Fire Origin	Substructure area or space, crawl space	Heat Source	Hot ember or ash
Item First Ignited	Floor covering or rug/carpet/mat, surface	Fire Is Confined To Object Of Origin	
Type Of Material	Fiberboard, particleboard, and hardboard	Cause Of Ignition	Unintentional
Factor Contributing To Ignition	Improper fueling technique		
Human Factors Contributing	Unattended or unsupervised person,		

STRUCTURE FIRE			
Structure Type	Enclosed building	Building Status	Under major renovation
# Of Stories At Above Grade	1	# Of Stories Below Grade	0
Square Feet	1200	Length	
Width		Floor Of Origin	1 (Below grade)
Fire Spread	Confined to building of origin	Significant Damage	0
Minor Damage	0	Extreme Damage	0
Heavy Damage	0	Type Of Detection System	Smoke
Presence Of Detectors	Present	Detector Operation	Undetermined
Detector Power Supply	Hardwire with battery backup		

PEOPLE -- PERSON 1		
Is Owner	True	Business Name
Telephone Number	209-627-9800	Involvement
Name	Debbie Routhier	Date of Birth
Address		

CUSTOM FIELDS FORM	
CQI Performed on Incident	No
Was this a toned Out	Yes
BLS Only	No
COVID-19 Exposure?	No
Billable Incident?	No
Transient Involved?	No

INCIDENT IMAGES

1. **Introduction**
 The purpose of this study is to investigate the effect of the proposed system on the performance of the system. The system is designed to improve the performance of the system by reducing the time taken to process the data. The system is designed to improve the performance of the system by reducing the time taken to process the data.

Figure 1. The effect of the concentration of the polymer solution on the surface energy of the polymer film. The surface energy of the polymer film was measured by the contact angle method. The surface energy of the polymer film was measured by the contact angle method. The surface energy of the polymer film was measured by the contact angle method.

[illegible]

© 2000 Blackwell Science Ltd
Journal of Internal Medicine 247: 105–111

[illegible]





PERSONNEL ON CALL

Name	Personnel Rank	Role(s)	Apparatus
Bates, Jr., Paul	Volunteer		T-1
Brown, Robert H	Captain		E-621
Calvert, Nathan	Probationary		T-1
Hernandez, Tom	Assistant Chief		C-601
Jarrett, Andrew	Firefighter		E-621
Jones, Mark	Volunteer		T-1
McBride, Nicholas	Volunteer		E-623
Moore, James M	Fire Chief		C-600
Potter, Ian	Volunteer		T-1
Weaver, Dan	Captain		E-623

Member Making Report (Captain Robert H Brown): _____

Incident Reviewer (Assistant Chief Tom Hernandez): _____

CITY OF SUSANVILLE
EXHIBIT 'E'

City of Susanville

Proof of Service

[Non-judicial Action]

On FEB 9, 2022 (date), I served the foregoing document(s) described as:

Notice of Public Nuisance

Supplemental Information: Municipal Code.

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Debbie Routhier

cd. 1087 Lawrence Dr.

Tracy CA 95376

☒ (By U.S. Mail) I deposited such envelope in the mail at SUSANVILLE (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 2-9-22

Cody Loftin

Printed Name of Person Serving Documents

Cody Loftin

Signature of Person Serving Documents



City of Susanville

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

Notice of Violation Declared Dangerous Building and Public Nuisance

February 9, 2022

Debbie Routhier
1087 Lourence Dr.
Tracy, CA 95376

RE : 17 Orange Street, Susanville, CA 96130

APN : 107-152-011-000

To Debbie Routhier:

The City of Susanville has declared the above-mentioned building as a Dangerous Building pursuant to the California Building Code and the Uniformed Code for the Abatement of Dangerous Buildings 1997. Dangerous Buildings pose a serious threat to the public safety and welfare. Furthermore, the Municipal Code of the City of Susanville declares all dangerous buildings to be a public nuisance.

On February 19, 2021, the residential structure located at 17 Orange Street, within the incorporated city limits of Susanville suffered damages due to a residential structure fire. The building was deemed to be a substandard building and a dangerous building as result of the fire. To date, the City of Susanville has not received an application for building permits to rehabilitate the building or demolition permits to demolish the building and abate the public nuisance.

Burned structures not only pose a threat to public safety but contribute as a source of blight affecting the community at large. The City of Susanville would appreciate your cooperation in abating this structure to resolve the public nuisance.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein by March 15, 2022.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

Based on a current site inspection on February 9, 2022 of the property located at 17 Orange Street, the following violations were observed:

- 8.52.030(A)(1) SMC: Property Maintenance: Faulty weather protections
- 8.52.030(A)(3) SMC: Property Maintenance: Fence/Wall Disrepair or Dangerous
- 8.52.030(A)(4) SMC: Dangerous Deck or Porch
- 8.52.030(B) SMC: Tree/Vegetation; potential fire hazard
- 8.52.030(M) SMC: Maintain Public Nuisance / Dangerous Building
- 15.10.010 SMC: Dangerous Building
- 17920.3 HSC: Substandard Building / "Red Tag"

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by March 15, 2022.

Section 8.52.030 Susanville Municipal Code :

The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared unlawful and are defined as and declared to be a public nuisance which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public right-of-way:

Attached: Applicable Susanville Municipal Codes and California Health & Safety Code

Actions to Correct Violations:

1. Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
2. Secure and screen building from public view.
 - a. All entry points secured, this includes functional or non-functional windows and doors, or any other holes within walls that a person could potentially fit thorough.
3. Remove downed branches and limbs from the backyard.
4. Remove the accumulated animal feces from the backyard.
5. Repair or replace the backyard fence.
6. Correct any other violation of the Susanville Municipal Code and California State Law
7. Have no other violations of the Susanville Municipal Code in the next 12 months.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by March 15, 2022.

Timeline:

- All public nuisances shall be abated by March 15, 2022, which provides no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.36, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,

A handwritten signature in black ink, appearing to read "Cody Loflin", with a stylized flourish at the end.

Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE
EXHIBIT 'F'

AT

CA 9537

Deceased

IN

7019 1640 0002 0101 3362



FIRST-CLASS



US POSTAGE PITNEY BOWES
ZIP 96130
02 7H
0006048305
\$ 008.56
APR 13 2022

7019 1640 0002 0101 3362

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®]

OFFICIAL USE

Certified Mail Fee **375**

Extra Services & Fees (check box, add fee appropriate)
☒ Return Receipt (hardcopy) \$ **3.00**
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage **176**

Total Postage and Fees **551**

Sent to

Street and Apt. No., or Box No.

City, State, ZIP+4[®]

Debbie Rothner
1087 Louisa Dr.
Tracy CA 95376

22/22/4010
RETURN TO SENDER
IF ADDRESSEE
UNABLE TO FORWARD
1 23 526
31X1

Debbie Rothner
1087 Louisa Dr.
Tracy CA 95376

City of Susanville
Proof of Service
[Non-judicial Action]

On 4-13-22 (date), I served the foregoing document(s) described as:

Notice of Intention to Abate & Public Hearing
Ordinance 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Debbie Rathner
1087 Lawrence Dr
Tracy CA 95376

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☒ (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 17 Orange St. Susanville / Lassen / California.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4-13-22

Cody W. H.
Printed Name of Person Serving Documents

Cody W. H.
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 13, 2022

Debbie Routhier
1087 Lourence Drive
Tracy, CA 95376

RE: 17 Orange Street (APN: 107-152-011-000)
Susanville, CA 96130
Code Enforcement Case # CE2022-003

Dear Debbie Routhier:

On February 9, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated February 9, 2022, declared a public nuisance upon the property of 17 Orange Street and ordered you to abate the nuisance by March 15, 2022.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 17 Orange Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 17 Orange Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 17 Orange Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 17 Orange Street the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(5) | SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC |
| • 8.32.050 (C)(2) | SMC: Contribute to diminution in the value of surrounding properties |
| • 8.32.050 (C)(4) | SMC: Violation of Chapter 8.52 Property Maintenance |
| • 8.52.030 (A)(1) | SMC: Property Maintenance – Doors/Windows, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (B) | SMC: Property Maintenance – Overgrown vegetation, public safety |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Secure and screen building from public view
- Actively work on demolition of building or the rehabilitation of building
- Repair the fence
- Remove overgrown or dead vegetation from lot
- Clear trash, rubbish, and debris from lot.
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022**.

Please note that the intent to abate public nuisances upon the property of 17 Orange Street does not release the property owner from the obligation of any other proceedings or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 17 Orange Street

The Public Hearing will be held on Thursday May 12, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday, May 6, 2022, for Planning Commission review.

Mendy Schuster – Mayor | Brian Moore – Mayor Pro Tem | Kevin Stafford, Quincy McCourt, Thomas Herrera
Susanville City Council

Wayne Jambois – Chairperson | Melanie Westbrook – Vice Chairperson | Rod DeBoer, Linda Robinette, Jeremiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE
EXHIBIT 'G'

‘Exhibit G’

Posting of Notice of Public Hearing and Do Not Occupy Order

17 Orange Street

April 14, 2022

1:11 PM



CITY OF SUSANVILLE
EXHIBIT 'H'



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.120)

April 15, 2022

Resident, Property Owner, Interested Party
Vicinity of Orange Street
Susanville, CA 96130

RE: 17 Orange Street.
Susanville, CA 96130
Code Enforcement Case # CE2022-003

Dear Resident, Property Owner, Interested Party:

The City of Susanville believes that a public nuisance exists upon the property of 17 Orange Street. If the nuisance is not abated by May 1, 2022, the City of Susanville will seek a Nuisance Abatement Order.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of a nuisance abatement order.

The Public Hearing will be held on Thursday May 12, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday May 6, 2022, for Planning Commission review.

If you have any questions or concerns regarding this notice, you may contact the Building and Planning Division at (530) 252-5118.

Respectfully,

Cody Loflin
Code Enforcement Officer
(530) 260-6099

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

CITY OF SUSANVILLE
EXHIBIT 'I'

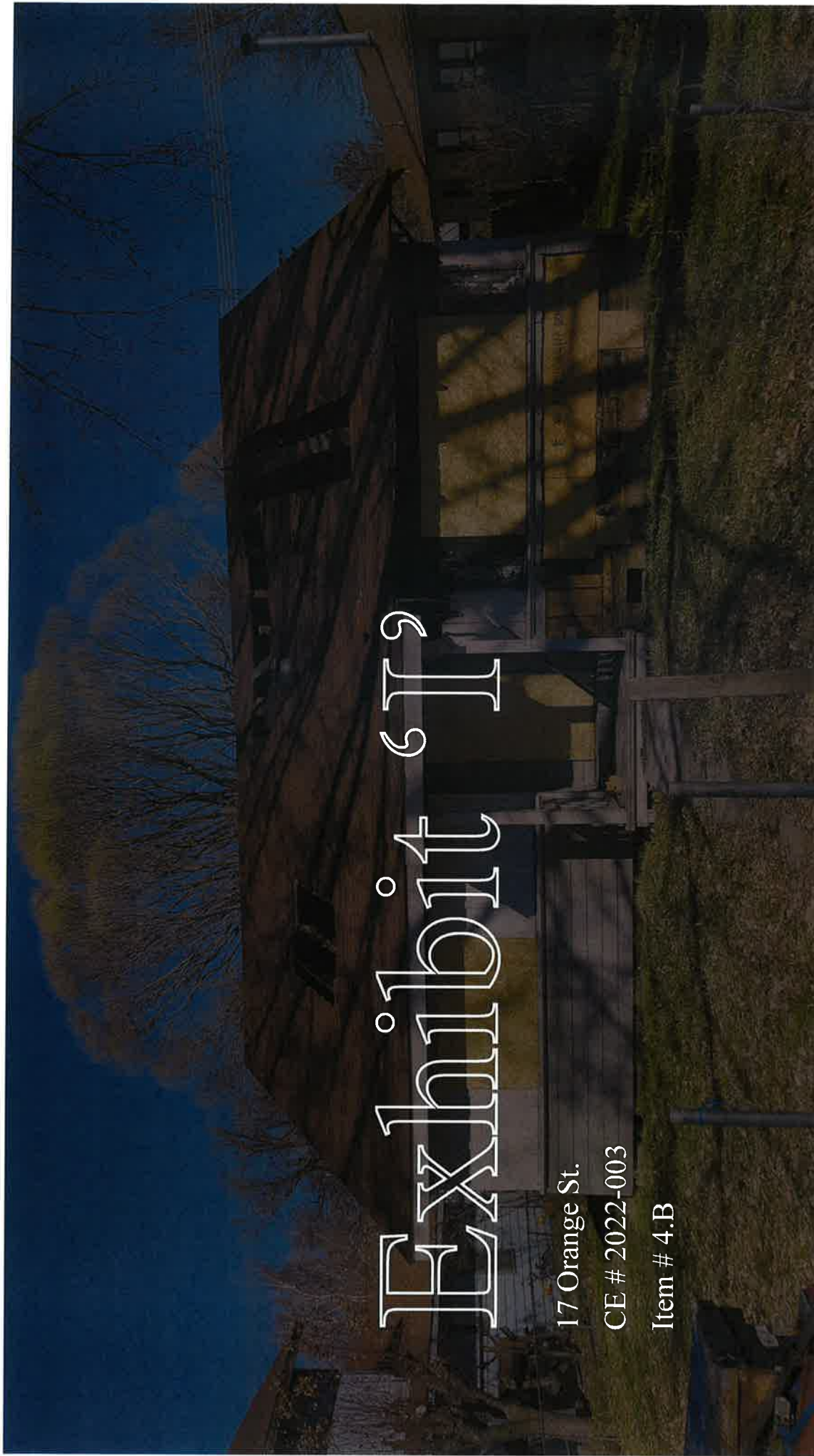


Exhibit 1

17 Orange St.

CE # 2022-003

Item # 4.B

Exhibit 'I'

Wednesday February 9, 2022
12:16 PM



Wednesday February 9, 2022
12:16 PM



Exhibit 'I'

Wednesday February 9, 2022
12:16 PM



Wednesday February 9, 2022
12:16 PM



Exhibit 'I'

Wednesday February 9, 2022

12:16 PM



Wednesday February 9, 2022

12:17 PM



Exhibit 'I'

Wednesday February 9, 2022
12:17 PM



Wednesday February 9, 2022
12:17 PM



Exhibit 'I'

Wednesday February 9, 2022
12:18 PM



Wednesday February 9, 2022
12:18 PM



Exhibit 'I'

Wednesday February 9, 2022
12:18 PM



Wednesday February 9, 2022
12:18 PM



Exhibit 'I'

Wednesday February 9, 2022
12:18 PM



Wednesday February 9, 2022
12:19 PM



Exhibit 'I'

Wednesday February 9, 2022
12:19 PM



Wednesday February 9, 2022
12:19 PM



Exhibit 'I'

Wednesday February 9, 2022
12:19 PM



Wednesday February 9, 2022
12:20 PM



Exhibit 'I'

**Wednesday February 9, 2022
12:20 PM**



**Tuesday May 3, 2022
9:51 AM**



Exhibit 'I'

**Tuesday May 3, 2022
9:53 AM**



**Tuesday May 3, 2022
9:53 AM**



CITY OF SUSANVILLE
EXHIBIT 'J'

1 Margret E. Long SBN: *227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,
11 Petitioner
12 v
13 The Estate of Deborah Routhier
14 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022 at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 I. This proceeding was heard:

- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
17 Susanville, CA 96130.
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
19 Hearing Board or the Board) with the following commissioners of the Planning
20 Commission present: *names of Commissioners present.
- 21 c. Wayne Embois presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
23 of Public Hearing" dated April 13, 2022 and served on Respondent The Estate of
24 Deborah Routhier by Certified Mail on April 13, 2022, and posted on the structure
25 at 17 Orange Street on April 14, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement representing the City of Susanville and
28 ii. *Property Owner representing himself.

1
2 FINDINGS

3 The Hearing Board makes the following findings.

- 4 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
5 or use property or allow their property to be maintained or used in a manner that creates
6 or fosters the creation of a public nuisance."
7
8 2. The Estate of Deborah Routhier is the owner of and responsible party for the property
located at 17 Orange Street.
9
10 3. The Estate of Deborah Routhier was properly served with a Notice of Violation on
February 9, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
11
12 4. The Estate of Deborah Routhier was properly served with a Notice of Intention to Abate
Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was
13 properly posted at 17 Orange Street on April 14, 2022 pursuant to City of Susanville
14 Municipal Code section 8.32.090.
15
16 5. The condition of the property and certain outbuildings located at 17 Orange Street is a
public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

17 ORDERS

18 The Hearing Board makes the following:

- 19 1. The Estate of Deborah Routhier must abate the public nuisance at 17 Orange Street by
20 doing the following at 17 Orange Street:
21
22 a. In the opinion of the Building Official for the City of Susanville, the conditions of
the structure are irreparable, and demolition must commence no later than thirty
23 (30) days from the date of this order and shall be completed no later than sixty
24 (60) days from this order.
25
26 b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds
from the property that had accumulated prior to and as a result of demolition
27 activities. Must be completed no later than 11:59 pm on June 27, 2022, which
28

- 1 corresponds to the order of the Susanville Fire Chief and Susanville City Council
2 resolution approving the deadline of the city's weed and rubbish abatement efforts.
- 3 2. The Estate of Deborah Routhier must fully abate this public nuisance no later than July 11,
4 2022.
- 5 3. The Estate of Deborah Routhier must obtain any and all required permits that may be
6 required to abate the public nuisance at 17 Orange Street.
- 7 4. After The Estate of Deborah Routhier abates the nuisance at 17 Orange Street, The Estate
8 of Deborah Routhier must contact the Building and Planning Department at the City of
9 Susanville and request that an official at the City of Susanville inspect the condition of the
10 property and buildings at 17 Orange Street to determine if the public nuisance was abated.
- 11 5. If The Estate of Deborah Routhier does not abate the public nuisance at 17 Orange Street
12 by 11:59 pm on July 11, 2022, the City of Susanville may have the property at 17 Orange
13 Street abated.
- 14 6. If The Estate of Deborah Routhier does not abate the public nuisance at 17 Orange Street by
15 11:59 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the
16 City of Susanville Municipal Code shall be assessed as followed:
- 17 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
18 with.
- 19 b. Effective from February 1, 2022
- 20 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
21 costs and interest.
- 22 d. Assessment penalty shall be due by 4:30 pm on November 8, 2022.
- 23 7. All costs of the City's abatement efforts, including the abatement work and administrative
24 time to investigate and to hear and effect the abatement shall be charged against The
25 Estate of Deborah Routhier as a personal debt or may be assessed upon 17 Orange Street
26 and will constitute a lien or special assessment upon the property until paid.
- 27 8. This Order shall be effective for one year after issuance. During such period, the hearing
28 board shall retain jurisdiction over the conditions of the building, structure or property

1 which constituted the nuisance established by this Order, as well as the abatement
2 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
3 property is maintained in such a manner so as not to create a nuisance. If, during this one-
4 year period, any enforcement official determines that the same or another nuisance, as
5 defined by this chapter exists with respect to the building, structure or property, he or she
6 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
7 Susanville Municipal Code. If The Estate of Deborah Routhier does not abate the nuisance
8 at any time within the abatement period, the City may proceed with the abatement itself
9 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
10 further action of the hearing board. The City of Susanville may also recover all of its
11 abatement effort costs as provided for in the City of Susanville Municipal Code.
12

13 Dated: _____

14 Wayne Lambois, Chairperson
15 Susanville Planning Commission
16
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RESOLUTION NO. 22-1101
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 17
ORANGE 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 conditions of real property upon the lands of 17 Orange Street have been declared to be a dangerous building and conditions constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 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 17 Orange Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Deborah Routhier is the owner of record for the property of 17 Orange 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 17 Orange Street subject to the terms, agreements, and conditions as follows:

- 1. All structures upon the premises shall be demolished.
- 2. The commencement of demolition shall begin within thirty (30) days of the issuance of this order and shall be completed within sixty (60) days of the issuance of this order.
- 3. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property by June 27, 2022.
- 4. Failure to abate the public nuisance, 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 9, 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 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. 22-1101 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.E
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Consider **Resolution No. 22-1102** approving the issuance of a Nuisance Abatement Order for 830 Main Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The City of Susanville has been working towards a solution regarding the abandonment of the former St. Francis Hotel located at 830 Main Street. This historic building in the heart of the Historic Uptown Susanville District has been a source of blight for the community and poses a risk for the surrounding residences and businesses. The attractive nature of the St. Francis Hotel has been realized with the numerous calls for service experienced by the Susanville Police Department and the Susanville Fire Department. The structure has been breached on many occasions and the illegal occupancy of the building has been witnessed by city staff.

More recently, the building has been experiencing extensive vandalism in conjunction with the lack of upkeep which has rendered the building in a substandard condition which poses various hazards that could be experienced by the community. The current conditions and the attractive nuisance nature of the building has led to the decision by the City of Susanville to declare the property a public nuisance.

Chapter 8.32 of the Susanville Municipal Code provides 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 No. 22-1102** approving the issuance of a Nuisance Abatement Order

ATTACHMENTS:
[Staff Report - 830 Main Street.pdf](#)

Item 4E Exhibit Packet.pdf
830 Main Street Resolution.docx

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 12, 2022

FILE NUMBER	CE#2021-007		
OWNER	Kimberly & Lloyd Holm		
REQUEST	Issuance of a Nuisance Abatement Order		
ASSESSOR'S PARCEL NO.	103-323-006-000		
LOCATION	830 Main 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 PLAN DESIGNATION	Mixed Use		

BACKGROUND:

The City of Susanville has been working towards a solution regarding the abandonment of the former St. Francis Hotel located at 830 Main Street. This historic building in the heart of the Historic Uptown Susanville District has been a source of blight for the community and poses a risk for the surrounding residences and businesses. The attractive nature of the St. Francis Hotel has been realized with the numerous calls for service experienced by the Susanville Police Department and the Susanville Fire Department. The structure has been breached on many occasions and the illegal occupancy of the building has been witnessed by city staff.

More recently, the building has been experiencing extensive vandalism in conjunction with the lack of upkeep which has rendered the building in a substandard condition which poses various hazards that could be experienced by the community. The current conditions and the attractive nuisance nature of the building has led to the decision by the City of Susanville to declare the property a public nuisance.

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.

- Notice of Violation issued by Kelly Mumper, City Planner, on February 5, 2021.
- Summary Abatement occurred on February 24, 2021.
- Notice of Violation issued by Kelly Mumper, City Planner, on August 25, 2021.
- Summary Abatement occurred on October 1, 2021.
- Summary Abatement occurred on April 6, 2022.
- Notice of Intent to Abate and Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer, on April 13, 2022.

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.

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)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions: faulty weather protection, including, but not limited to, the following, crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors. Broken, damaged or missing windows or doors, and painted or unpainted surfaces suffering from dry rot, warping or termite infestation.
- 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(A)(4) SMC: Substantial deterioration of porches, landing, patios, stairways or guardrails which although not otherwise constituting an unsafe structure as defined in this code, are visible from public right of way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values if surrounding property.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard, or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Vegetation, tress, landscaping or other plant materials which are subject to any of the following conditions – overgrown or dead, decayed diseased or hazardous.
- 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.

Exhibit List

City of Susanville Code Enforcement Hearing Board: Planning Commission

Hearing Date: May 12, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table ParcelQuest Property Information Property Address: 830 Main Street Name of Property Owner: Kimberly & Lloyd Holm	
D	City of Susanville Invoices Summary Abatement April 6, 2022 - Pending costs. - Estimated at \$1,500 - \$2,000 Summary Abatement October 1, 2021 - Memo to City Administrator ... \$2,070.20 - Susanville Fire Report # 2021-1232, SIFC # 21-005989 Summary Abatement February 24, 2021 - Pending cost report from Susanville Fire Department - \$1,156.62 in abatement costs from Building & Planning and Police Department	
E	Notification of Nuisance dated August 25, 2021, with Certified Mail Receipt.	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 12, 2022

F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated April 13, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from April 14, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 201 Alexander Avenue	
H	Miscellaneous Documents Notice of Violation from February 5, 2021 Photographs sent to Property Owners on February 5, 2021	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

830 Main St -

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given <u>no less than 10 days</u> (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.32.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the	20	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

	Hearing 1. City sends a letter to the Responsible Party giving them <u>no less than 10 days</u> (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be <u>no less than 10 days after</u> the abatement period ends. 5. Service must be by <u>posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time, date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient; (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	Nuisance Abatement Hearing 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.	
4	Decision of Planning Commission 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS
AKA PROCEDURE NUISANCE ABATEMENT ORDINANCE

5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. <u>Service must be by posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid. 8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.	5	
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CITY OF SUSANVILLE
EXHIBIT 'B'

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- 1 A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2 B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the
3 same ordinance, term, or condition within one year from the date of the first violation, or \$500 for
4 a second violation of a building or safety code within one year from the date of the first violation;
5 C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional,
6 violation of the same ordinance, term, or condition within one year from the date of the first
7 violation, or \$1,000 for a third violation of a building or safety code within one year from the date
8 of the first violation;

9 A second or subsequent violation need only be of the same ordinance, term, or condition
10 to require the larger fine, and need not involve the same personnel or property, provided that the
11 same responsible party is cited. The fine amounts shall be cumulative where multiple citations
12 are issued.

13 Wherever in this code or in any other ordinance of the city including codes adopted by
14 reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall
15 be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or
16 imprisonment not to exceed six months.

17 Every day the violation of this code or any other city ordinance continues shall constitute
18 a separate offense.

19 1.12.020 Recovery of attorneys' fees and costs.

20 A. In addition to all other remedies and cost recovery authorized or provided by any
21 provision of this code or any other law, any person violating any provision of this code shall be
22 liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such
23 violation or enforce such person's compliance with this code, including recovery of the city's
24 reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an
25 administrative determination or court order against such person. This section does not apply to
26 public nuisance abatement actions for which attorneys' fees are authorized under subsection B
27 of this section.

28 B. In any action or proceeding brought by the city to abate a public nuisance, the
prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to
Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding
in which the city has elected, at the commencement of such action or proceeding, to seek recovery
of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a
prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action
or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may
pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes,
interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and
any other sum required to be paid under any provision of this code or any other law. Upon giving
advance written notice that the debtor will be subject to collection costs if the debtor does not pay
the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees
and costs associated with the collection of the amount owed regardless of whether the city
pursues said collection through litigation or by any other means. As used herein, "costs" include,
but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs
incurred in the collection action, and those costs set forth in Code of Civil Procedure Section
1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total
amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

1 10.22.030 Definitions.

2 As used in this chapter:

3 A. "Highway" means a way or place of whatever nature, publicly maintained or open
to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

4 B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for
mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical
malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of
5 Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but
is not limited to, a vehicle which cannot be legally driven on any public street or other area due to
6 lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any
other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable
7 vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

8 C. "Owner of the land" means the owner of the land on which the vehicle, or parts
thereof, is located, as shown on the last equalized assessment roll.

9 D. "Owner of the vehicle" means the last registered owner and the last legal owner of
record.

10 E. "Public property" does not include "highway."

11 F. "Vehicle" means a device by which any person or property may be propelled,
moved, or drawn upon a highway except a device moved by human power or used exclusively
upon stationary rails or tracks.

12 **Section 3.** Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced
13 with the following:

14 Chapter 8.32 Administrative Nuisance Abatement

15 8.32.010 Purpose.

16 This administrative nuisance abatement process is intended to enable the city to respond
effectively to public nuisances in order to maintain and protect the public peace, safety, welfare
and order and to provide security and protection to the community from harms and wrongdoings.
17 This process makes available an alternative remedy to instituting a civil suit to enjoin public
nuisances by authorizing the administrative body to impose orders and conditions to abate and
18 halt public nuisances.

19 8.32.020 Applicability.

20 A. This chapter provides for administrative abatement of public nuisances, which is
in addition to all other legal remedies, criminal or civil, which the city may pursue to address any
21 public nuisance.

22 B. The use of this chapter shall be at the sole discretion of the city.

23 C. The city may proceed to abate a public nuisance under this chapter against any or
all persons responsible for creating or fostering the creation of the public nuisance, without regard
to whether or not the person owns the property upon which the public nuisance is occurring.

24 8.32.030 Definitions.

25 A. "Hearing Board" means the planning commission of the city of Susanville sitting as
the hearing board of the city of Susanville, or its successor, or such other board or commission of
26 the city that the city council may, by resolution, authorize to perform the functions of the hearing
board under this chapter.

27 B. "Responsible Party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
28 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

any business, company, or entity subject to this chapter; any person or the parent or legal guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit, entitlement, review, or agreement described.

8.32.040 Public nuisance prohibited.

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.

8.32.050 Public nuisance defined.

For purposes of this chapter, a public nuisance means any of the following:

A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:

1. Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code;

2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.

4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:

1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;

2. A failing private sewage disposal system;

3. An unprotected excavation or an abandoned and uncovered well; or

4. A well with a casing not sealed as required by applicable regulations.

C. A condition of real property or a 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:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;

2. An abandoned and dilapidated building or portion of a building; or

3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.

4. The maintenance of property in the city in violation of chapter 8.52 of this code.

5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter 10.22 of this code.

D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:

1. An unfenced or otherwise unenclosed outdoor swimming pool; or

2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
period expires.

5 8.32.100 Right of entry procedures

6 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
7 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
8 there is reasonable cause to believe that there exists a violation of any provision of such
9 ordinance, resolution or code in any building, or upon any premises, or whenever any
10 enforcement official of the city has reasonable cause to believe that any building or premises is
11 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
resolution or code, an enforcement official of the city may enter such building or premises at a
reasonable time to inspect the same and to perform any duty imposed upon such official by any
provision of such ordinance, resolution or code. However, except in emergency situations, when
consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
enforcement official shall give notice as follows:

12 1. If the building or premises is occupied, the enforcement official shall first present to
13 the occupant city-issued credentials that include the enforcement official's name, position, title,
and photograph. The enforcement official shall then request entry at a time convenient to the
occupant within 24 hours of the time of the request;

14 2. If the building or premises is unoccupied, the enforcement official shall first make a
15 reasonable effort to locate the owner or other person having charge or control of the building or
premises, and if located, the enforcement official shall present credentials to the owner or other
person and then request entry at a time convenient to such owner or other person, but within 48
hours of the entry request;

16 3. If the owner or other person is located outside of the city, the enforcement official may
17 notify that person by telephone or letter, and in doing so shall transmit sufficient information to
18 identify the enforcement official's capacity to the owner or other person and may request entry at
a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

19 If entry is refused by the occupant, the owner, or other person having charge or control of the
20 building or premises, or the enforcement official, after making a reasonable effort, cannot locate
the owner, or other person having charge or control of the building or premises, so as to request
entry, then the enforcement official may seek and obtain an administrative inspection warrant
pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

22 B. Any enforcement official of the city or a duly authorized representative or agent of the
23 city may enter upon a property to access the exterior of the building or structure for the purpose
24 of posting or serving notice.

25 8.32.110 Service of notices and order to abate.

26 Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
27 or other items as required under this chapter shall be made by posting a notice in a conspicuous
28 place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

11 8.32.200 Record of cost for abatement; notice of cost hearing.

12 The city finance manager, the enforcement official or such other city official as may be
13 designated shall keep an account of all costs incurred by the city in abating nuisances on each
14 separate lot or parcel of land where the work is done and shall render a written itemized report to
15 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
16 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
17 demolition or removal of said premises, building or structures, including any salvage value relating
18 thereto and any incidental expenses; provided that before said report is submitted to said city
19 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
20 with a notice of the time when said report shall be heard by the City Council for confirmation; a
21 copy of said report and notice shall be served upon the owners of said property, in accordance
22 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
23 the same to the city council; proof of said posting and service shall be made by affidavit filed with
24 the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
25 expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
26 preparation of specifications the preparation and award of contracts, all costs of inspecting any
27 work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
28 of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

22 8.32.210 Cost report – Hearing and proceedings.

23 At the time and place fixed for receiving and considering the cost report, the city council
24 shall receive, hear and consider the report, together with any other relevant evidence, objections,
25 protests or testimony. Thereupon, the Council may make such revision, correction or modification
26 to the report as it may deem just after which, by resolution, the details of the report, as submitted
27 or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
28 expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
- Commencement of foreclosure action.

27 When directed to do so by the city council, the city attorney shall commence an action in
28 a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
to accrue on the date the nuisance abatement order has been complied with as determined by
11 the city attorney or the board.

12 D. Penalties assessed by the board shall be due by the date specified in the nuisance
abatement order.

13 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
14 against the subject real property.

15 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
attorney that the nuisance abatement order has been complied with and if the city attorney finds
that compliance has been achieved, the date that the written notice was postmarked or personally
17 delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
shall be deemed to be the date of compliance with the nuisance abatement order.

18 8.32.300 Violations.

19 A. Any responsible party who maintains any public nuisance defined in this chapter and
who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
20 be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
or with any person who owns, leases, occupies or has charge or control over any building,
25 structure or property when any of the aforementioned individuals are lawfully engaged in
proceedings involving the abatement of a nuisance under this chapter may be charged with either
26 an infraction or a misdemeanor.

27 8.32.310 Interest.

1 Any person who fails to remit payment to the city of any penalty, cost or any other charge
2 required to be paid to the city pursuant to a nuisance abatement order under this chapter on or
3 before the date the penalty, cost or other charge is due shall, in addition to the amount of the
4 penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum,
pro-rata, from the date on which the amount due first became delinquent until the date that
payment is received by the city.

5 8.32.320 Report of compliance after nuisance abatement order.

6 If the enforcement official determines that compliance with the nuisance abatement order
7 has been achieved, the enforcement official shall file a report with the city clerk acting as secretary
of the hearing board indicating that compliance has been achieved and the date of the city's final
inspection of the subject property.

8 8.32.330 Compliance dispute.

9 A. If the enforcement official does not file a report pursuant to Section 8.32.340, a
10 person subject to the nuisance abatement order who believes that compliance has been achieved
may request a compliance hearing before the hearing board by filing a request for a hearing with
the secretary of the board.

11 B. The hearing shall be noticed and conducted in the same manner as a hearing on
an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

12 C. The hearing board shall determine if compliance with the nuisance abatement
order has been achieved and, if so, when it was achieved.

13 **Section 4.** Chapter 8.40 Administrative Citations is hereby repealed and replaced with the
14 following:

15 CHAPTER 8.40 Administrative Citations

16 8.40.10 Purpose.

17 This chapter provides for administrative citations in addition to all other civil remedies and
18 as an initial alternative to any criminal remedy which may be pursued by the city to address any
19 violation of this code. The use of this chapter shall be at the sole discretion of the city. The use
of any other enforcement proceedings provided for by this code shall not be considered a
prerequisite for the use of this chapter, nor shall the use of this chapter be considered a
prerequisite for the use of any other enforcement proceedings.

20 A. The City Council hereby finds that an appropriate method of enforcement is the
21 imposition and collection of administrative fines as independently authorized by both California
Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section
53069.4.

22 B. The City Council further finds and determines that enforcement of the Susanville
23 Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements,
permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the
24 police power is a matter of public health, safety and welfare and serves important public purposes.
The City of Susanville adopts this administrative citation program in order to achieve the following
goals:

- 25 1. To protect the public health, safety and welfare of the City and its citizens;
26 2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and
27 regulations of the City enacted pursuant to its police powers, and the conditions of approval of
permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers
28 in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
11 entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
environmental review, or any term or condition of any agreement with the City made pursuant to
14 the police power may be issued an administrative citation by an enforcement official as provided
in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
15 violations of that code and all uncodified ordinances. A violation of a condition of approval of a
permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
16 use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
17 right-of-way permit. A violation of a condition of approval of an environmental review includes,
but is not limited to, any environmental impact report, mitigated negative declaration, negative
18 declaration, or determination of categorical exemption. A violation of a term or condition of any
agreement with the City made pursuant to the police power includes, but is not limited to, any
19 development agreement, owner participation agreement, disposition and development
agreement, road maintenance agreement, any easement, license, or other real property use
20 agreement, or any agreement made with the city to implement any ordinance, plan, permit,
entitlement, or review approved by the City.

21 B. Each and every day a violation exists constitutes a separate and distinct offense.
22 A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
26 administrative citation until the responsible party for a violation has first been given notice of the
violation and an opportunity to correct the violation, in accordance with the procedures set forth
27 in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
28 of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
chapter shall be deemed served when made in writing and either personally delivered to the
17 responsible party for the violation or deposited in the United States mail, first class postage
prepaid, addressed to such responsible party at their last known address. However, if a citation
18 or notice is required to be served on the owner of property, it shall be deemed served when made
in writing and deposited in the United States mail, addressed to the owner at the owner's address
19 as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
addition, the administrative citation shall be posted on the real property that is the subject of the
20 violation. Service of a citation or notice by mail in the manner provided for by this section shall be
effective on the date of mailing, and the failure of any person to actually receive any citation or
21 notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
24 of this code, the enforcement official shall issue a written notice of violation to any responsible
party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 25 A. The date and location that the violation was observed;
- 26 B. The section of this code violated and a description of the violation;
- 27 C. The actions required to correct the violation;
- 28 D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

1
2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

8 E. If the finance manager determines not to issue an advance deposit hardship
9 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
decision.

10 F. The finance manager shall issue a written determination listing the reasons for his
11 or her determination to issue or not issue the advance deposit hardship waiver. The written
determination of the finance manager shall be final and shall be served upon the person who
applied for the advance deposit hardship waiver.

12 8.40.120 Hearing Board.

13 The "hearing board" for administrative citations shall be the same as defined in section
8.32.030 of this code.

14 8.40.130 Hearing procedure.

15 A. No hearing to contest an administrative citation before the hearing board officer
shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

16 B. A hearing before the hearing board officer shall be set for a date that is not less
17 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
is filed in accordance with the provisions of this chapter.

18 C. At the hearing, the administrative citation and any written report submitted by the
19 enforcement official shall constitute prima facie evidence of the respective facts contained in the
citation. Both the party contesting the administrative citation and the enforcement official shall be
20 given the opportunity to testify and to present additional evidence concerning the administrative
citation. Such evidence may include the testimony of other witnesses, or the introduction of
21 documents or other evidence. Such testimony, written documents, or other evidence sought to
be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
it shall be relevant and material to the issues of whether the violation alleged in the citation
22 occurred and whether the person cited committed, caused or was responsible for the violation.
Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
23 accordance with the fundamentals of due process. The hearing board may limit the total length of
the hearing to one hour, and shall allow the appellant at least as much time to present its case as
24 is allowed the city.

25 D. The failure of any recipient of an administrative citation to appear at the
administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

26 E. The administrative citation and any additional report submitted by the enforcement
27 officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

1
2 8.40.180 Procedural compliance.

3 Failure to comply with any procedural requirement of this chapter, to receive any notice or decision
4 specified in this chapter, or to receive any copy required to be provided by this chapter shall not
5 affect the validity of proceedings conducted hereunder unless the responsible party is denied
6 constitutional due process thereby

7 **Section 5.** Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code
8 as follows:

9 Chapter 8.52 Property Maintenance

10 8.52.010 Purpose and Intent of chapter.

11 It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to
12 any other remedy available by law or equity, whereby lands or buildings which are dilapidated,
13 unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles,
14 machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health,
15 morals, property values, aesthetic standards, or the general welfare of the city, may be required
16 to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive
17 conditions.

18 Additionally the purpose of this chapter is to provide minimum standards for the maintenance of
19 property in the city. Where this chapter imposes a greater restriction upon property or structures
20 thereon than is imposed or required by existing provisions of law, ordinance, contract or deed,
21 the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate,
22 annul or in any way impair or interfere with existing provisions of other laws or ordinances or with
23 private restrictions placed upon property by covenant, deed or other private agreement or with
24 restrictive covenants running with the land to which the city is a party.

25 8.52.020 Responsibilities for property maintenance.

26 Every owner, lessee, occupant or person having charge or control of buildings, structures or
27 property within the city is required to maintain the buildings, structures or property in a manner so
28 as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having
charge or control of the building, structure or property remains liable for violations hereof
regardless of any contract or agreement with any third party regarding the same. The duty
imposed by this section on an owner shall in no instance relieve those other persons referred to
herein from the same duty.

8.52.030 Classification of nuisances.

The following acts and conditions, when performed or existing upon any lot or parcel of land within
the city, are declared to be unlawful and are defined as and declared to be public nuisances which
are injurious or potentially injurious to the public health, safety and welfare, which have a tendency
to degrade the appearance and property values of surrounding property and/or which cause
damage to public rights-of-way:

A. Structures or buildings, both permanent and temporary, or other lot improvements
including buildings or sheds exempt from obtaining a building permit, which are subject to any of
the following conditions:

1. Faulty weather protection, including, but not limited to, the following:

- 1 a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding
- 2 of any kind, roofs, foundations or floors;
- 3 b. Broken, damaged or missing windows or doors; and
- 4 c. Painted or unpainted surfaces suffering from dry rot, warping or termite
- 5 infestation;
- 6 2. Building or structures which are under construction or rehabilitation and are not
- 7 completed within a reasonable time or whose building permit for such construction or
- 8 rehabilitation has expired;
- 9 3. Fences or walls which are in a hazardous condition, which are in disrepair or which
- 10 hinder free access to public sidewalks or rights-of-way or are maintained in such a
- 11 condition to have a tendency to degrade the appearance and property values of
- 12 surrounding property. All fencing, including gates shall be maintained in sound condition
- 13 free of damage, breaks, or missing structural members. Areas that are leaning, buckling,
- 14 sagging, or deteriorating shall be repaired or replaced with material compatible with the
- 15 undamaged portions of the fence. Where fencing has been painted and it shall be
- 16 maintained and kept free of chipping, peeling, scaling or missing paint;
- 17 4. Substantial deterioration of porches, landings, patios, stairways or guardrails which,
- 18 although not otherwise constituting an unsafe structure as defined in this code, are visible
- 19 from public rights-of-way or neighboring properties and are injurious or potentially injurious
- 20 to the public health, safety and welfare or have a tendency to degrade the appearance
- 21 and property values of surrounding property;
- 22 5. Broken or defective elements of a building, structure, parking lot or landscaped area
- 23 which are injurious or potentially injurious to the public health, safety and welfare or have
- 24 a tendency to degrade the appearance and property values of surrounding property;
- 25 6. Litter, debris or abandoned personal property scattered in the interior of a vacant or
- 26 unoccupied building or structure in such a manner as to create a fire hazard, health hazard
- 27 or other condition which is injurious or potentially injurious to public health, safety and
- 28 welfare;
- B. Vegetation, trees, landscaping or other plant materials which are subject to any of
- the following conditions:
 1. Overgrown or in such a condition that they are or are likely to:
 - a. Harbor rats, vermin or other vectors;
 - b. Provide a harboring place for vagrants or other persons;
 - c. Which encroaches into, over, or upon any public right-of-way, including, but not limited
 - to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or
 - property or any impediment to public travel; or
 - d. Be injurious to the public health, safety and welfare or have a tendency to depreciate
 - the appearance and property values of surrounding properties;
 - e. Create a fire hazard as determined by the fire chief or duly authorized agent.
 2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely
 - to:
 - a. Be injurious to the public health, safety and welfare or have a tendency to depreciate
 - the appearance and property values of surrounding properties;
 - b. Create a fire hazard or health hazard;
- C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational
- vehicles, wood splitters or other similar vehicles and equipment on residentially used property is
- prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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, inoperative or discarded household or office furnishings, housewares, appliances, electronic equipment or devices, machines and tools or similar objects of equipment;

3 Abandoned, broken, wrecked, inoperative 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 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;

- 1 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal,
2 tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling
3 containers or as may be permitted by this code or the zoning classification of the property;
- 4 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
5 of Chapter 10.22 of this code;
- 6 7. Outdoor storage or scattering of materials, equipment or other items on residentially
7 used property which is not typically associated with such use, which is inconsistent with
8 the zoning classification of the property and which creates a fire hazard or health hazard
9 or which is otherwise injurious or potentially injurious to the public health, safety and
10 welfare;
- 11 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 12 F Packing boxes or similar storage containers which are stored in yards or unenclosed
13 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
14 are otherwise injurious or potentially injurious to the public health, safety and welfare;
- 15 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
16 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
17 public property;
- 18 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
19 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
20 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
21 paved driveway if a paved driveway has been developed on the property or on an existing gravel
22 driveway if the property was developed prior to the requirement for a paved driveway;
- 23 I. To allow or permit graffiti to remain on any building, fence, wall, structure, sign or
24 vehicle when visible to the public street, highway, right-of-way or public place for more than 1
25 week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure,
26 mark or design that is written, marked, etched, scratched, drawn or painted on any surface in
27 violation of this code or other state or local law;
- 28 J. Signs constructed, erected or maintained in violation of the provisions of Chapter
17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition
or its location, is injurious or potentially injurious to the public health, safety and welfare or has a
tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any
purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.
- 8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter
8.32 of this code or the issuance of an administrative citation as provided for in chapter 8.40.

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
10 are a major cause and source of blight in both residential and nonresidential neighborhoods,
11 especially when the owner of the building fails to actively maintain and manage the building to
12 ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
13 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
14 occupation. The use of vacant buildings by transients, who may employ primitive cooking or
heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
15 buildings, whether or not those buildings are boarded, discourage economic development and
16 retard appreciation of property values. It is the responsibility of the owner to prevent owned
17 property from becoming a burden to the neighborhood and community, and a threat to the public
18 health, safety and welfare.

19 The City Council also finds that because of the potential economic and public health,
20 safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
21 buildings so that they do not become attractive nuisances, are not used by vagrants or
22 trespassers, are properly secured and maintained, and do not become a blighting influence in the
neighborhood. City departments involved in such monitoring include the police department, fire
23 department, planning and building division and engineering division. There is a substantial cost
24 to the city for monitoring vacant buildings which should be paid by the owners of the vacant
25 buildings. The city has established the vacant building monitoring program to accomplish this
26 purpose.

27 The purpose of this chapter is to require that vacant dwellings and buildings within the
28 incorporated limits of the City of Susanville are maintained to certain minimum standards and
suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
appreciable periods of time do not become public nuisances.

15.09.020 – Remedies for violation.

A building that is vacant or vacant and boarded in violation of this chapter is a public
nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

The remedies, procedures and penalties provided by this chapter are cumulative to each other
and to any others available under state law or other city ordinances. The imposition of a vacant
building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.

Any person violating the provisions of this chapter may be charged with either an infraction for each day such violation continues or with a misdemeanor. In addition to the remedies provided herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

15.09.030 - Vacant and neglected vacant building.

A. "Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied or occupied by unauthorized persons. The definition includes without limitation, buildings or structures of any nature intended for human habitation, occupation or use and includes manufactured housing or mobile homes. A neglected vacant building is a vacant building which is not maintained in accordance with the provisions of this chapter.

B. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if:

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant materials in good condition;

b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;

c. Regular removal of all exterior trash, debris and graffiti;

d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;

e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant building to maintain, or cause or permit the maintenance of the vacant building as a neglected vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition which does not create a hazard to public health or safety.

15.09.060 - Fire safety standards.

A. All vacant buildings shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which may constitute a fire hazard.

B. No vacant building or portion thereof shall be used for the storage of hazardous, combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

C. Heating facilities maintained in accordance with applicable codes. If heating equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in accordance with applicable codes and ordinances and the water supply to the building turned off to prevent burst water pipes in freezing weather conditions.

D. The street address of the building shall be posted and shall be visible from the street.

15.09.07 - Security standards.

A. All vacant buildings shall be maintained in a way which secures it from any unauthorized entry.

B. The owner or responsible agent of a vacant building which has remained unoccupied for a period of more than thirty days and which has suffered from vandalism, broken windows, broken doors or which had an unauthorized entry must repairs such damage within 15 days of becoming aware of such damage. Alternately, the owner or responsible agent may provide security which is adequate to prevent further deterioration and/or unauthorized entry for a time period of up to 6 months. After 6 months the building must un-boarded and actively maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly monitoring fee described in section 15.09.120 shall be applied to the property.

Methods of securing the building or structure must meet or exceed the following minimum standards or equivalent standards as determined by the city building official.

1. Windows. Windows and similar openings shall be boarded with exterior grade plywood of minimum thickness three-fourths inch (to be consistent with door security standards) or its equivalent. Vent holes may be required, as deemed necessary by the building official. The plywood shall be secured in place, as a minimum standard, by a set of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large washers at each end. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two such cross members shall be used on each window. Each cross member shall be a continuous piece of lumber, and each should extend approximately one foot past the window opening in each direction unless interior condition limit such extension. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and into each unit of the building. If an existing door is operable but lacks an operable locking mechanism it may be used and secured with a suitable lock such as a hasp and minimum

two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and frame(s) have been damaged, the main exterior (required) residential exit door(s) and all commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum one-eighth-inch clearance at each edge from the door jambs and threshold. The existing door should be removed. The plywood shall, as a minimum standard, be attached to three Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-eighths-inch carriage bolts and matching hardware, with nuts located on the interior side of the structure. The plywood shall be attached to the door entry with three case-hardened strap hinges located at quarter points and the plywood shall be secured by two case-hardened steel hasps located at third points on the strike side of the door and minimum two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall be the nonreversible type that do not give a purchase for pliers or pry bars. All other unsecured residential doors providing exterior access shall be removed and be secured in the same fashion as windows noted above.

3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked with the existing garage lock or a newly installed one. In an attached garage it is acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-four lumber through the overhead mechanism on the inside of the door. The two-by-four shall be long enough to go through both sides of the mechanism or shall be nailed in place on the inside so that it cannot fall out. Secondary garage entrances to the outside of the garage shall be secured with strong-backed plywood as described for windows above. Access doors between the house and attached garage need not be boarded. Detached garages shall be secured as separate structures.

4. All materials used to cover and secure window door or other openings shall be painted to match or complement the color of the main structure.

5. The property owner shall obtain a building permit for work done under this section and an inspection of the work shall be performed by the city.

15.09.080 - Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris, combustible materials, litter and garbage.

15.09.090 - Appearance.

A. All vacant buildings must be maintained in a manner which minimizes the appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this code.

B. All exterior surfaces, including any boarded windows or doors shall be applied with sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a sufficient appearance of repair. If the building is subject to an existing use permit all conditions related to maintenance of the exterior of the structure or parcel on which the building is located shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
11 chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
12 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
13 building is in violation of this chapter. The fee shall be payable as to any building, residential or
14 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

15 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
16 owner of the property. Notice shall be served either personally, by first class mail, or by certified
17 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
18 known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
19 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
20 monitoring program. The hearing board may waive the fee and enrollment if the property owners
21 can show that that any of the conditions listed in section 15.09.030 B.3 are applicable to the
22 building or structure. The owner shall provide substantial evidence supporting the grounds for the
23 waiver. After conducting the hearing and finding that the property is subject to the vacant building
24 monitoring program, the hearing board shall direct that a bill be sent to the property owner with
25 the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
26 that notice shall constitute enrollment in the vacant building monitoring program.

27 D. The owner of a vacant building shall not allow or cause any use of the property or
28 any buildings thereon unless the property owner has first corrected the violations which caused
placement into the program and has paid the required quarterly monitoring fee, as well as any
other penalties or fines owed to the city.

E. Within 15 days of the decision by the hearing board to bill for the vacant building
monitoring program fee, the city administrator or his/her designee shall file in the office of the
county recorder a notice that the building is subject to the vacant building monitoring program fee
and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

15.10.040 Scope.

This chapter shall apply and govern in those situations where insufficient time exists due
to imminent threat of substantial danger to the public health, safety and welfare to invoke the
procedures of notice and hearing provided for in the California Building Code, Uniform Housing
Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
adopted by the City of Susanville Municipal Code.

15.10.050 Definition.

The term "dangerous structure" as used in this chapter means any building which is
considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
also means any other structure, whether man-made or a condition of nature, which presents an
imminent threat of substantial danger to public health, safety and welfare. Such threat may be

presented by, but is not limited to, situations where a structure, or some part thereof, is likely to collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure falling within the definition of "dangerous structure" under is declared a public nuisance.

15.10.060 Determination of condition—Order of abatement.

The city administrator, with the advice of the building official and such other persons he or she chooses to consult, shall make the determination whether a structure constitutes a "dangerous structure" as hereinabove defined. As an exception to this procedure, the building official is hereby authorized to make said determination in those circumstances where, in his sole discretion, he concludes that an emergency situation exists requiring immediate abatement and that delay to consult with the city administrator would cause substantial risk to public health, safety and welfare. Summary abatement, without the necessity of prior notification to anyone other than occupants of the structure, may be immediately ordered by the city administrator or the building official, whichever has made the determination that a dangerous structure exists. In the event the building official has made the determination and ordered summary abatement, he shall immediately thereafter report to the city administrator as to the situation. If summary abatement is to be accomplished by contract, the building official need not obtain formal bids but may award the contract on the basis of informal solicitations.

15.10.070 Effect on existing law.

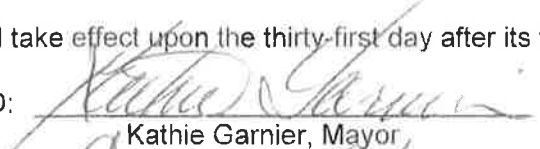
Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any power or authority for ordering summary abatement of dangerous and hazardous conditions invested in the City of Susanville fire chief under the California Fire Code or other provisions of law.

Section 8. The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be published at least once in the Lassen County Times, an adjudicated newspaper of general circulation, published and circulated within the City.

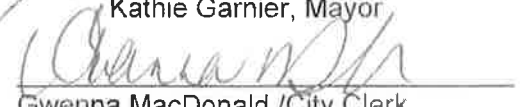
Section 9. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, it being expressly declared that this Ordinance and each section, subsection, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clause or phrases be declared invalid or unconstitutional.

Section 10. This Ordinance shall take effect upon the thirty-first day after its final passage.

APPROVED:


Kathie Garnier, Mayor

ATTEST:

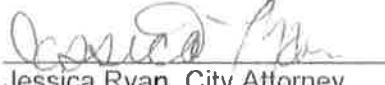

Gwenna MacDonald /City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	<u>Notification of Nuisance</u> 1. Manner Served: CERTIFIED MAIL 2. Served On: KIMBERLY & LLOYD HOLM 3. Date of Service: AUGUST 25, 2021 4. Compliance Deadline Stated in Notice: SEPTEMBER 24, 2021	10 <i>OK</i>	30 <i>OK</i>	8-25-21 <i>OK</i>	9-24-21 <i>OK</i>	10-1-21 <i>OK</i>
2	<u>Notice of Intent to Abate and Notice of Public Hearing</u> 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: APRIL 13, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): MAY 1, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 12, 2022 5. Date Notice Posted at Property: APRIL 14, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: APRIL 13, 2022	20 <i>OK</i>	29 <i>OK</i>	4-13-22 <i>OK</i>	5-1-22 <i>OK</i>	5-12-22
3	<u>Nuisance Abatement Hearing</u> 1. Date of Hearing: MAY 12, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	<i>OK</i>	<i>OK</i>	<i>OK</i>	<i>OK</i>	<i>OK</i>
4	<u>Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance</u> 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	10 from Compliance date 5	11 <i>OK</i>	4-13-22 <i>OK</i>	5-12-22 <i>OK</i>	5-13-22 <i>OK</i>
5	<u>Appeal Abatement Order</u> 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: 830 Main St. Owner's Name: Kimberly & Lloyd Holm Phone No.: Tenant ☐ Yes or ☒ No REQ-796



LIST 1

DETAIL

☒ 1 Property Address: 830 MAIN ST SUSANVILLE CA

Ownership

County: **LASSEN, CA**

Assessor: **NICK CEAGLIO, ASSESSOR**

Parcel # (APN): **103-323-006-000**

Parcel Status: **ACTIVE**

Owner Name: **HOLM KIMBERLY & LLOYD JT ETAL**

Mailing Address: **890 CHESTNUT ST SUSANVILLE CA 96130-3616**

Legal Description:

Assessment

Total Value: \$569,329	Use Code: C7CH	Use Type: COMMERCIAL
Land Value: \$96,534	Tax Rate Area: 001-033	County Zoning:
Impr Value: \$446,285	Year Assd: 2021	Census Tract:
Other Value: \$26,510	Property Tax: \$6,126.66	Price/SqFt:
% Improved: 82%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	11/21/2016	04/26/2005		11/21/2016
Document Number:	2016R0005414	2005R0003515		2016R0005414
Document Type:	PARTIAL INTEREST	GRANT DEED		
Transfer Amount:				
Seller (Grantor):	HOLM, KIMBERLY & LLOYD JT			

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality: 5.0
Total Rooms:	Pool:	Building Class: C
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built: 1935		Ag Preserve:
Effective Year: 1935		

103-32

Tax Arec 001033

CITY OF SUSANVILLE

N. GAY ST.

N. UNION ST.

N. WEATHERFLOW ST.

STATE HWY. 36

CORNELL ST.

WEATHERFLOW

Richmond Rd.

NOTE-Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Book 103, Pg 32

County of Lassen, Calif.



Acreage listed is prepared and checked
with available information and is for
Assessor's Office use only.

RECORDED MAPS

MAP	BOOK	PAGE	NAME
RS	2	75	LASSEN SURVEYORS
RS	2	87	JOHNSON
RS	23	38	WAY (BLK. 13)
RS	23	41	COLONIAL MORTUARY et al
RS	26	71	QUARISA
RS	34	56	CASPER TRUST
RS	39	60	SHAPIRO
RS			MCDONALD



© 2015 ParcelQuest www.parcelquest.com (888) 217-8999

CITY OF SUSANVILLE
EXHIBIT 'D'



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

PENDING INVOICE

SUMMARY ABATEMENT

APRIL 6, 2022

ESTIMATED AT \$1,500 - \$2,000

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera



City of Susanville

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

MEMO



TO: Dan Newton, City Administrator

FROM: Cody Loflin, Code Enforcement Officer

DATE: October 4, 2021

SUBJECT: City incurred costs – St. Francis Hotel

On Thursday September 30, 2021, the front entrance to the old bar at the St. Francis (830 Main St.) was discovered to have breached. This property has been declared a public nuisance and has been abandoned with no attempts from the property owner to take responsibility for their building. This building has been breached many times and serves as an attractive nuisance to the local transient population. In order to preserve the health and safety of the public and the private property of the neighboring property owners, the St. Francis the building was secured, and multiple entry points were boarded with plywood in February 2021. A current inspection, after the discovery of the old bar breach, shows many of the City's efforts to secure the buildings have been compromised. The City took action to resecure the building on Friday October 1, 2021. The City was represented by members of the Susanville Police Department, Fire Department, City Planner, Building Official, Code Enforcement, and Parks Division. This assignment took place between 9:00 am and 12:00 noon on Friday October 1, 2021.

Equipment and Material Costs

Engine 661 "Truck 1" – 1 hr. @ \$178/hr.
Total Equipment costs \$178

Plywood – 5 Sheets @ \$55 per sheet.
Total material costs \$275

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera



Personnel Costs

Susanville Police Chief Ryan Cochran \$236.58	2 hrs. @ \$118.29/hr.
Susanville Police Captain Michael Bollinger \$166.36	2 hrs. @ \$83.18/hr.
Susanville Police Officer Alan Inman \$147.86	2 hrs. @ \$73.93/hr.
Susanville Fire Chief James Moore \$122.45	1 hr. @ \$122.45/hr.
Susanville Firefighter Kalvn McFarland \$69.53	1 hr. @ \$69.53/hr.
Susanville Firefighter David Carr \$48.10	1 hr. @ \$48.10/hr.
City Planner Kelly Mumper \$174.87	3 hrs. @ \$58.29/hr.
City Building Official Dow Davis \$179.01	3 hrs. @ \$59.67/hr.
City Code Enforcement Officer Cody Loflin \$229.80	5 hrs. @ \$45.96/hr.
City Parks and Maintenance Superintendent Toby Beach \$148.23	3 hrs. @ \$49.41/hr.
City Parks and Maintenance Worker Alex McElrath \$94.41	3 hrs. @ \$31.47/hr.

Total personnel costs of city personnel who engaged in this matter.
(Benefited Rate per hour)
\$1617.20

Fiscal Impact

The City of Susanville incurred a total cost of **\$2070.20** in benefited wages, equipment and materials.



Susanville Fire Department

Station: 1
Shifts Or Platoon: **B Shift**

Location: 830 Main Susanville CA 96130	Incident Type: 551 - Assist police or other governmental agency
Lat/Long: N 40° 25' 3.9" W 120° 39' 34.65"	FDID: 18035 Incident #: 2021-1232 Exposure ID: 61328134 Exposure #: 0 Incident Date: 10/01/2021 Dispatch Run #: 21005989
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	McFarland , Kalvn	ID:	Date: 10/01/2021
Report Reviewed by:	Moore , James M	ID:	Date: 10/01/2021
Report Printed by:	Moore, James M	ID:	Date: 10/1/2021 Time: 14:29

Structure Type:	Property Use: 439 - Boarding/rooming house, residential hotels		
Automatic Extinguishment System Present: ☐	Detectors Present: ☐	Cause of Ignition:	
Aid Given or Received: None	Primary action taken: 73 - Provide manpower		
Losses	Pre-Incident Values		
Property:	Property:	Civilian Injuries: 0	Fire Service Injuries: 0
Contents:	Contents:	Civilian Fatalities: 0	Fire Service Fatalities: 0
Total:	Total:	Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 2		Total # of personnel on call: 3	

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)
Narrative Title: n/a Narrative Author: McFarland, Kalvn Narrative Date: 10/01/2021 11:40:24 Narrative Apparatus ID: n/a Narrative: 10/01/2021 0901hrs T1 C600 assisted SPD with gaining access in to 830 main st. SPD was able to gain access through a broken glass door. T1 C600 cleared the incident and responded to a new incident. Kalvn McFarland 603 Fire Captain



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

PENDING INVOICE

SUMMARY ABATEMENT FEBRUARY 24, 2021

\$1,156.62 + FIRE COSTS

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

CITY OF SUSANVILLE
EXHIBIT 'E'

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kimberly & Floyd dlm ST ERL
 890 Chestnut St.
 Duaneville, CA 946130



9590 9402 2979 7094 0352 94

2. Article Number (Transfer from service label)

7017 1070 0000 7543 2053

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Adult
☐ Agent

B. Received by (Printed Name)

☒ Adult
☐ Agent

C. Date of Delivery

8-28-21

D. Is delivery address different from item 1?

☐ Yes
☒ No
 If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

 U.S. Postal Service™
 CERTIFIED MAIL® RECEIPT
 Domestic Mail Only
For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box and fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

☐ Postage \$

☐ Total Postage and Fees \$

☐ Sent To \$

☐ Street and Apt. No., or PO Box No.

☐ City, State, ZIP+4®

☐ PS Form 3800, April 2015 PSN 7530-02-000-9047

☐ See Reverse for Instructions
Postmark
Here

7017 1070 0000 7543 2053



City of Susanville

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

August 25, 2021

Kimberly & Lloyd Holm JT ETAL
890 Chestnut Street
Susanville, CA 96130

RE: 830 Main Street (St. Francis Hotel/Apartments) **Notice of Violation and Abatement**
APN: 103-323-06-11

To who it may concern;

On February 8, 2021, you were notified by certified mail that the building you own at the above-mentioned address is a nuisance and public safety hazard due to the recent incident of transients breaking into the building. Specifically, said letter provided you with 15 days upon receipt of said letter to begin rectifying the issues stated. Since you have not acted within the timeline provided, you are hereby issued a Notice of Violation. Pursuant to Susanville Municipal Code Chapter 8.40.300 and Susanville Municipal Code Chapter 1.12.010. This letter constitutes a \$100.00 fine. Each day that the violation remains constitutes a new finable violation. A second violation constitutes a \$200.00 fine and a third constitutes a \$500.00 fine and shall continue to accrue until the violation is rectified.

In addition, the City of Susanville secured your building for you on February 24, 2021. However, the building has since been breached again on the ground floor through broken windows in the courtyard. You will be responsible for the staff time and material costs associated with securing the building on February 24, 2021, which is \$1,156.62. Once you have secured the building, you need to notify the City Building Inspector and City Planner to perform an inspection to ensure that the building is in fact secure from entry. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

"The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

If you have questions regarding this letter, please contact Dow Davis, Building Inspector, or Kelly Mumper, City Planner/Code Enforcement Officer at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

CITY OF SUSANVILLE
EXHIBIT 'F'

7019 1640 0002 0101 3348

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ 3.75	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ 3.00	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$ 1.76	
Total Postage and Fees \$ 8.56	
Sent To Kimberly + Lloyd Holm	
Street and Apt. No., or PO Box No. 890 Chestnut St.	
City, State, ZIP+4® Sussexville CA 92630	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

City of Susanville
Proof of Service
[Non-judicial Action]

On Apr. 13, 2022 (date), I served the foregoing document(s) described as:

Notice of Intention to Abate + Public Hearing
Ordinance 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Kimberly + Lloyd Holm
890 Chestnut St.
Susanville CA 96150

[☒] (By U.S. Mail) I deposited such envelope in the mail at Susanville (city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[☐] (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

[☒] (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 830 Main St. Susanville / Carson / California.

[☐] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 4-13-22

Cody Wolf
Printed Name of Person Serving Documents

Cody Wolf
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

April 13, 2022

Kimberly & Lloyd Holm
890 Chestnut Street
Susanville, CA 96130

RE: 830 Main St. (APN: 103-323-006-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-007

Dear Kimberly & Lloyd Holm:

On August 25, 2021, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated August 25, 2021, declared a public nuisance upon the property of 830 Main Street and ordered you to abate the nuisance by September 24, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 830 Main Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Thursday May 12, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 830 Main Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 830 Main Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Thursday May 12, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **May 1, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 830 Main Street the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(5) | SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC |
| • 8.32.050 (C)(2) | SMC: Contribute to diminution in the value of surrounding properties |
| • 8.32.050 (C)(4) | SMC: Violation of Chapter 8.52 Property Maintenance |
| • 8.52.030 (A)(1) | SMC: Property Maintenance – Doors/Windows, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (B) | SMC: Property Maintenance – Overgrown vegetation, public safety |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (I) | SMC: Property Maintenance – Graffiti |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
- Secure and screen building from public view
- Actively work on demolition of building or the rehabilitation of building
- Repair the fence and cinder block wall
- Remove all graffiti from grounds
- Remove overgrown or dead vegetation from lot
- Clear trash, rubbish, and debris from lot.
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Thursday May 12, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **May 1, 2022.**

Please note that the intent to abate public nuisances upon the property of 830 Main Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summary abatement of your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 830 Main Street

The Public Hearing will be held on Thursday May 12, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Friday, May 6, 2022, for Planning Commission review.

Mendy Schuster – Mayor | Brian Moore – Mayor Pro Tem | Kevin Stafford, Quincy McCourt, Thomas Herrera
Susanville City Council

Wayne Jambois – Chairperson | Melanie Westbrook – Vice Chairperson | Rod DeBoer, Linda Robinette, Jeremiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE
EXHIBIT 'G'

‘Exhibit G’

Posting of Notice of Public Hearing and Do Not Occupy Order

830 Main Street

April 14, 2022

12:39 PM



CITY OF SUSANVILLE
EXHIBIT 'H'

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kimberly & Lloyd Holm JT ETAL
890 Chestnut St.
Swarville, CA 96130



9590 9402 2979 7094 0368 40

2. Article Number (Transfer from service label)

7017 1070 0000 7543 2381

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Michael King ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

Michael King *2-8-20*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Insured Mail
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box and fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

Total Postage and Fees

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



City of Susanville

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

February 5, 2021

Kimberly & Lloyd Holm JT ETAL
890 Chestnut Street
Susanville, CA 96130

RE: 830 Main Street (St. Francis Hotel/Apartments)
APN: 103-323-06-11

To who it may concern;

This letter is to inform you that the building you own at the above-mentioned address is currently a public nuisance and public safety hazard due to the recent incident of transients breaking into the building (pictures attached). Specifically, the entire building (including the courtyard gate) needs to be secured. Any ground floor windows that have been broken need to be secured with plywood or other means to prevent children or transients from entering the building. The City of Susanville is considering your building(s) a "Dangerous Building" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

"The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Again, we appreciate your cooperation regarding this issue. You have 15 days upon receipt of this letter to rectify the stated issues above. If no action is taken by you during said time period, the City of Susanville will begin abatement proceedings against your property to ensure that it is properly secured which will also result in daily administrative penalties in addition to the costs associated with securing your building for you. If you have questions regarding this letter, please contact Dow Davis, Building Inspector, or Kelly Mumper, City Planner/Code Enforcement Officer at (530) 252-5104.

Respectfully,

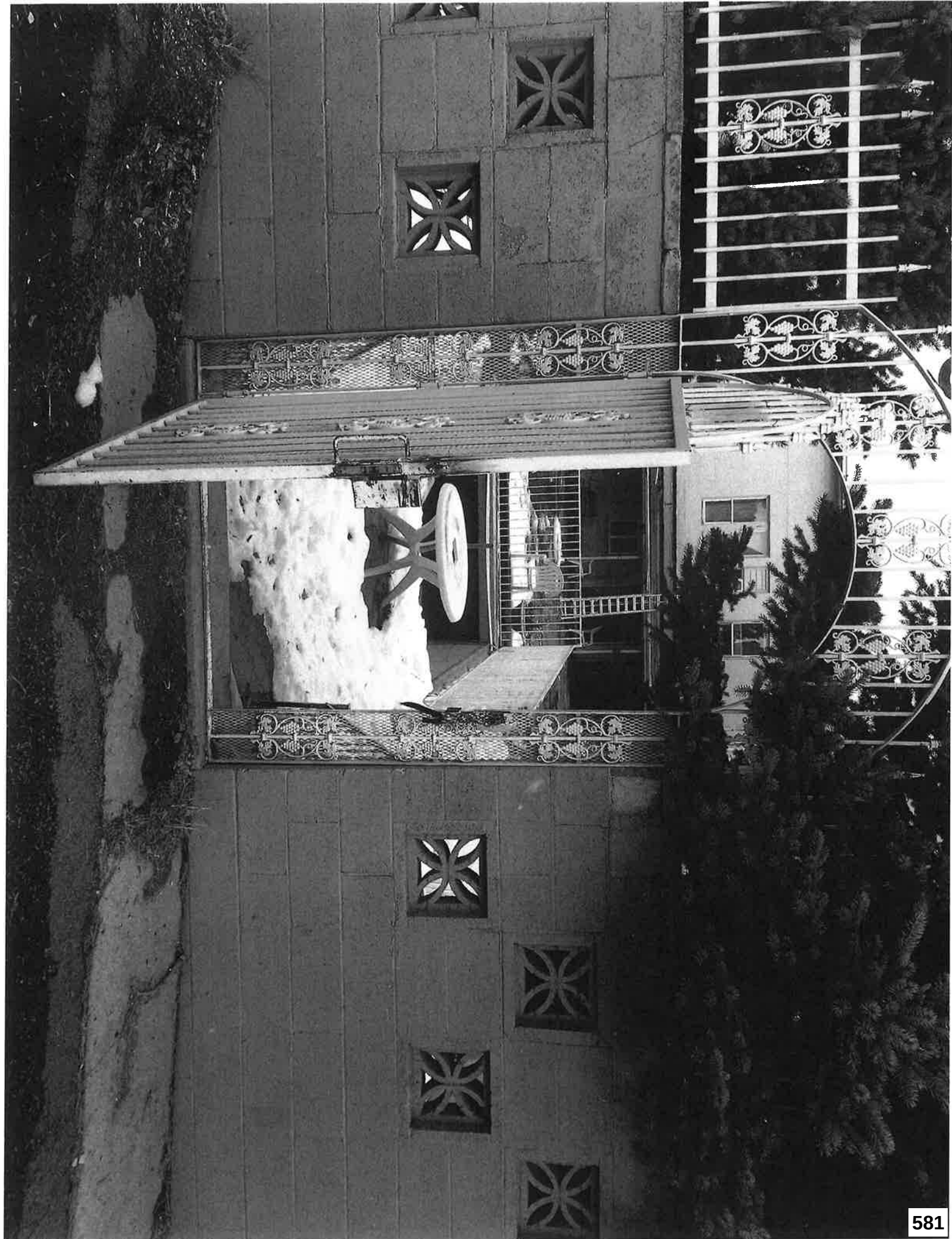
Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra







☒ 1 Property Address: 830 MAIN ST

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **103-323-06-11**
 Parcel Status: **ACTIVE**
 Owner Name: **HOLM KIMBERLY & LLOYD JT ETAL**
 Mailing Address: **890 CHESTNUT ST SUSANVILLE CA 96130-3616**
 Legal Description:

Assessment

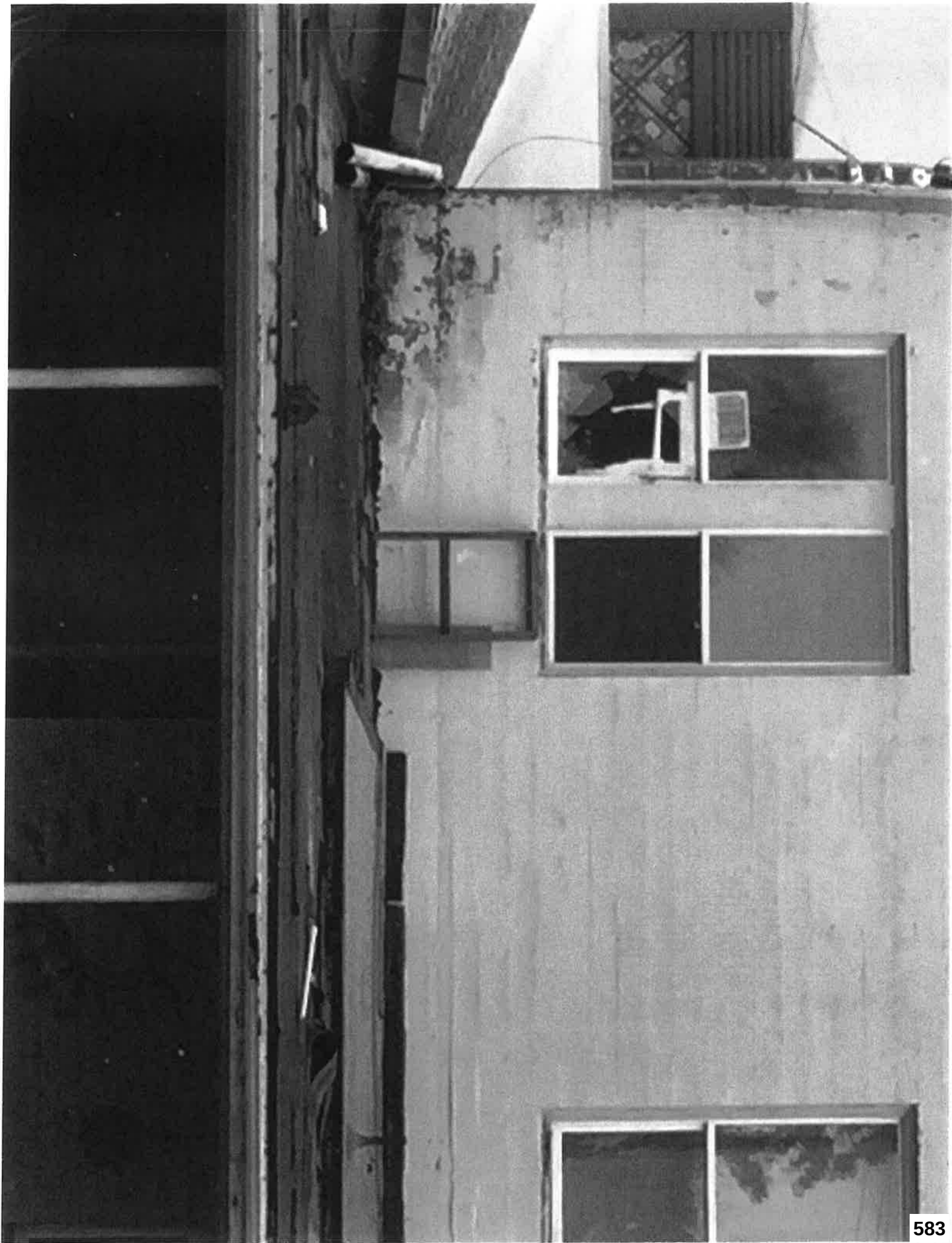
Total Value:	\$564,160	Use Code:	C7CH	Use Type:	COMMERCIAL
Land Value:	\$95,545	Tax Rate Area:	001-033	Zoning:	
Impr Value:	\$441,709	Year Assd:	2020	Census Tract:	
Other Value:	\$26,906	Property Tax:		Price/SqFt:	
% Improved:	82%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	11/21/2016	08/31/2016	07/08/2014	11/21/2016
Document Number:	2016-05414	2016-04029	2014-02824	2016-05414
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	11	Fireplace:	Units:	34
Baths (Full):		A/C:	Stories:	2.0
Baths (Half):		Heating:	Quality:	5.0
Total Rooms:		Pool:	Building Class:	C
Bldg/Liv Area:	1	Park Type:	Condition:	
Lot Acres:	0.238	Spaces:	Site Influence:	
Lot SqFt:	10,374	Garage SqFt:	Timber Preserve:	
Year Built:	1935		Ag Preserve:	
Effective Year:				



CITY OF SUSANVILLE
EXHIBIT 'I'

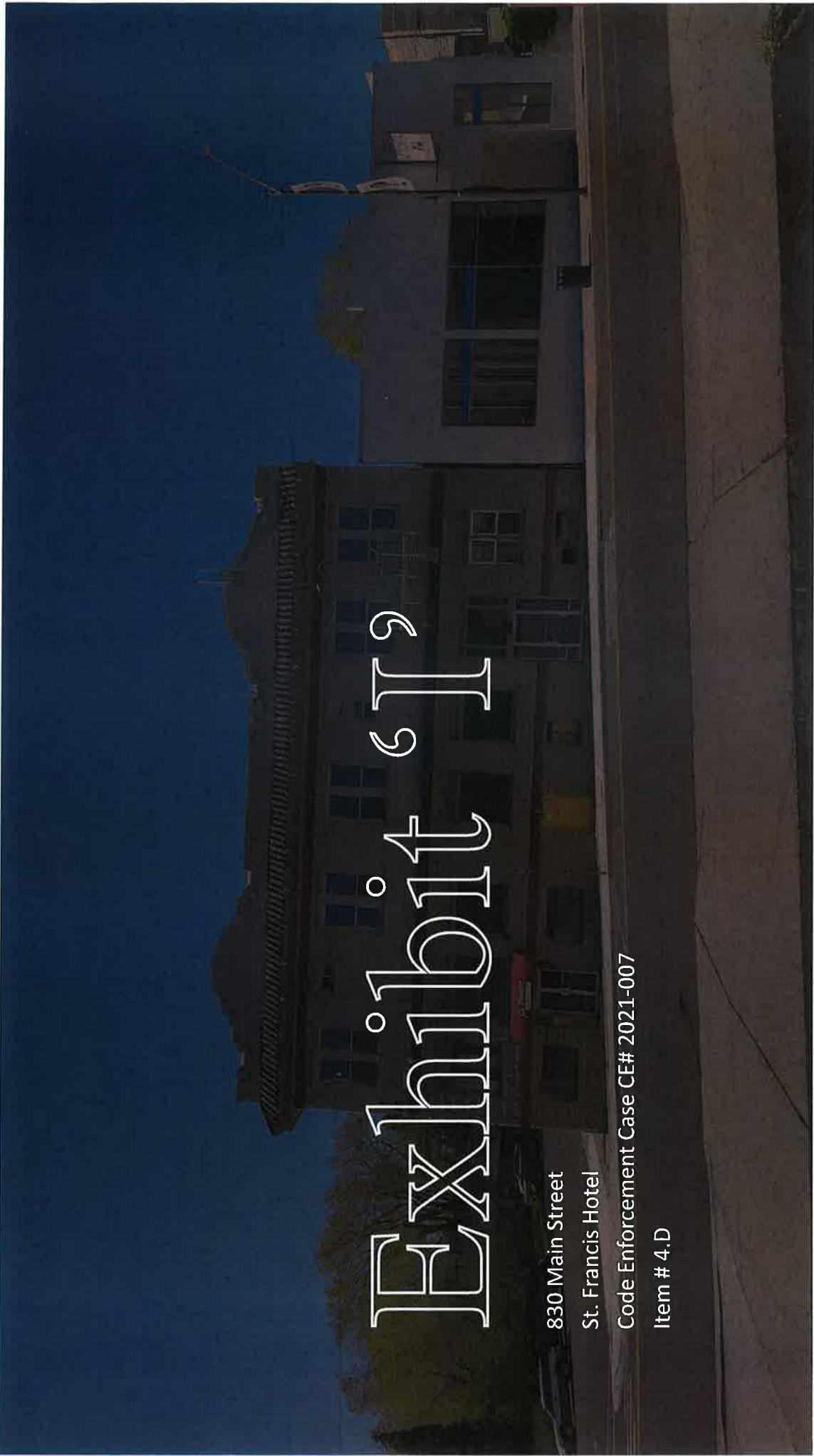


Exhibit 'I'

830 Main Street

St. Francis Hotel

Code Enforcement Case CE# 2021-007

Item # 4.D

• I, Cody Loflin, declare under penalty of perjury under the laws of the State of California that the photographs contained herein this exhibit are true and correct and that:

- A photograph labeled April 6, 2022, was captured by me and was captured on April 6, 2022, between 2:07 PM and 2:20 PM at 830 Main Street, Susanville, California.
- A photograph labeled May 3, 2022, was captured by me and was captured on May 3, 2022, between 9:45 AM and 9:47 AM at 830 Main Street, Susanville, California.

Signed: Cody Loflin Date: 5-4-22
Cody Loflin FMC 5-12-22

Exhibit 'I'

April 6, 2022



April 6, 2022



Exhibit 'I'

April 6, 2022



April 6, 2022



Exhibit 'I'

April 6, 2022



April 6, 2022



Exhibit 'I'

May 3, 2022



May 3, 2022



Exhibit 'I'

May 3, 2022



May 3, 2022



CITY OF SUSANVILLE
EXHIBIT 'J'

1 Margret E. Long SBN: * 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 City of Susanville,
11 Petitioner
12 v
13 Kimberly and Lloyd Holm
14 Respondent

Nuisance Abatement Order

Hearing: May 12, 2022 at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

15 1. This proceeding was heard:

- 16 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
17 Susanville, CA 96130
- 18 b. By the Planning Commission of the City of Susanville (also referred to as the
19 Hearing Board of the Board) with the following commissioners of the Planning
20 Commission present: **names of Commissioners present.*
- 21 c. Wayne Embolis presided over the procedure as Chairperson.
- 22 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
23 of Public Hearing" dated April 13, 2022 and served on Respondent Kimberly and
24 Lloyd Holm by Certified Mail on April 13, 2022, and posted on the structure at 830
25 Main Street on April 14, 2022.
- 26 e. Present at the hearing where:
- 27 i. Cody Loflin, Code Enforcement representing the City of Susanville and
28 ii. **Property Owner* representing himself.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "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."
2. Kimberly and Lloyd Holm are the owners of and responsible party for the property located at 830 Main Street.
3. Kimberly and Lloyd Holm were properly served with a Notice of Violation on February 11, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Kimberly and Lloyd Holm were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 830 Main Street on April 14, 2022 pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 830 Main Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board makes the following:

1. Kimberly and Lloyd Holm must abate the public nuisance at 830 Main Street by doing the following at 830 Main Street:
 - a. Mitigate the potential fire hazard caused the condition of the interior portion of the building. To mitigate the fire hazard, Kimberly and Lloyd Holm shall remove all debris, garbage, rubbish, rubble, trash, and personal effects from the interior of the building.
 - b. The interior building shall be inspected by the Building Official for the City of Susanville for full determination of any repair work that must be done to mitigate any other safety hazards caused by any vandalism while the property had been in

- 1 an abandoned state. The Building Official shall prepare a written report and
2 provide a reasonable timeline in addition to any timelines prescribed in this order.
- 3 c. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds
4 from the exterior of the property and within the courtyard area.
- 5 d. Must secure all access points of the structure and to mitigate the attractive
6 nuisance nature of the structure and to prevent the illegal occupancy of any person.
- 7 2. Kimberly and Lloyd Holm must fully abate this public nuisance no later than July 11, 2022.
- 8 3. Kimberly and Lloyd Holm must obtain any and all required permits that may be required
9 to abate the public nuisance at 830 Main Street.
- 10 4. After Kimberly and Lloyd Holm abates the nuisance at 830 Main Street, Kimberly and
11 Lloyd Holm must contact the Building and Planning Department of the City of Susanville
12 and request that an official at the City of Susanville inspect the condition of the property
13 and buildings at 830 Main Street to determine if the public nuisance was abated.
- 14 5. If Kimberly and Lloyd Holm do not abate the public nuisance at 830 Main Street by 11:59
15 pm on July 11, 2022, the City of Susanville may have the property at 830 Main Street
16 abated.
- 17 6. If Kimberly and Lloyd Holm do not abate the public nuisance at 830 Main Street by 11:59
18 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of
19 Susanville Municipal Code shall be assessed as followed:
- 20 a. Assessment of \$10,000 per day until the nuisance abatement has been complied
21 with.
- 22 b. Effective from August 21, 2021
- 23 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
24 costs and interest.
- 25 d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
- 26 7. All costs of the City's abatement efforts, including the abatement work and administrative
27 time to investigate and to hear and effect the abatement shall be charged against Kimberly
28

1 and Lloyd Holm as a personal debt or may be assessed upon 830 Main Street and will
2 constitute a lien or special assessment upon the property until paid.

- 3 8. This Order shall be effective for one year after issuance. During such period, the hearing
4 board shall retain jurisdiction over the conditions of the building, structure or property
5 which constituted the nuisance established by this Order, as well as the abatement
6 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
7 property is maintained in such a manner so as not to create a nuisance. If, during this one-
8 year period, any enforcement official determines that the same or another nuisance, as
9 defined by this chapter exists with respect to the building, structure or property, he or she
10 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
11 Susanville Municipal Code. If Kimberly and Lloyd Holm do not abate the nuisance at any
12 time within the abatement period, the City may proceed with the abatement itself under
13 the provisions of section 8.32.190 of the City of Susanville Municipal Code without further
14 action of the hearing board. The City of Susanville may also recover all of its abatement
15 effort costs as provided for in the City of Susanville Municipal Code.

16
17 Dated: _____

18 _____
19 Wayne Jambois, Chairperson

20 Susanville Planning Commission
21
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27
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RESOLUTION NO. 22-1102
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 830
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 conditions of real property upon the lands of 830 Main Street have been declared to be a substandard building and with conditions that constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 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 830 Main Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Kimberly and Lloyd Holm are the owners of record for the property of 830 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 830 Main Street subject to the terms, agreements, and conditions as follows:

- 1. Shall remove all debris, garbage, rubbish, rubble, trash and personal effects from the interior of the building in order to mitigate the potential fire hazard.
- 2. Shall schedule an inspection with the City of Susanville Building Official for full determination of any repair work that must be done to mitigate any other safety hazards of the building and surrounding grounds.
- 3. Shall remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the exterior of the property and within the courtyard area.
- 4. Shall secure all access points of the structure and to mitigate the attractive nuisance nature of the structure and to prevent the illegal occupancy of any person.
- 5. Failure to abate the public nuisance, 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 August 21, 2021; and
- 6. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.

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. 22-1102 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.F
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Continue discussion from April 26, 2022 to consider **Resolution No. 22-1095** approving the issuance of a Nuisance Abatement Order for 67 South Weatherlow Street.

PRESENTED BY: Cody Loflin, Code Enforcement

SUMMARY: The structure located at 67 South Weatherlow Street suffered major structural damage due to a structure fire on May 24, 2020. The City of Susanville has declared the structure to be a Dangerous Building pursuant to section 15.10.010 of the Susanville Municipal Code. Subsequently, the Susanville Municipal Code declares dangerous buildings to be a public nuisance. Chapter 8.32 of the Susanville Municipal Code provides 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 No. 22-1095** approving the issuance of a Nuisance Abatement Order.

ATTACHMENTS:
[Staff Report 67 S Weatherlow St Abatement.pdf](#)
[Hearing Exhibit List 67 S Weatherlow.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:

- 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.

Exhibit List | City of Susanville Code Enforcement
Hearing Board: Planning Commission | Hearing Date: April 26, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance Into Sections	
B	Ordinance No. 17-1011 Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table Property Address: 67 South Weatherlow Street Name of Property Owner: Roland and Joanna Zimmerman	
D	Susanville Fire Department Incident Report Incident # 2020-558 SIFC # 2020-002613	
E	Notice of Violation dated February 7, 2022, with signed Proof of Service by Mail.	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated March 29, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from March 29, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 63 South Weatherlow Street	
H	Miscellaneous Documents Notice of Violation dated December 16, 2020 Notice of Violation dated June 1, 2020	
I	Case Photographs Case photographs will be projected upon the display screen and will not be printed to save on resources.	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE
EXHIBIT 'A'

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	<u>Notification of Nuisance</u> 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given <u>no less than 10 days</u> (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	<u>Voluntary Abatement</u> 1. Responsible Party is given no less than 10 days to abate the nuisance. See the letter sent to the Responsible Party in step one and make sure the City gives the Responsible Party the amount of time stated to abate the nuisance.	8.32.070 - The responsible party having charge or control of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in section 8.32.060. If the abatement requires alterations, repair, rehabilitation or demolition of a building or structure all required city permits or entitlements must be obtained prior to commencement of the work. The responsible party shall advise the enforcement official who issued the declaration of nuisance of the completed abatement. Once so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in fact, been abated.		
	<u>Administrative Citation or Nuisance Abatement Process</u> 1. If the nuisance isn't abated the City decides if they are going to issue an administrative citation or begin the nuisance abatement process.	8.32.080 - If an alleged nuisance is not properly abated within the period established under the provisions of section 8.32.060, the responsible party may be issued an administrative citation as provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party and follow the process in sections 8.32.090 through 8.32.270.		
2	<u>Notice of Intent to Abate and Notice of Public Hearing</u>	8.32.090 - The Notice of Intention to Abate Public Nuisance shall demand that the responsible party remedy or abate such public nuisance within a reasonable period of time which shall not be less than ten (10) days. It shall also give notice of the time,	20	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

	1. City sends a letter to the Responsible Party giving them no less than 10 days (a reasonable period of time) to abate the nuisance. 2. Letter is called Notice of Intent to Abate 3. Letter must state the date, time and location of the public hearing at which the Planning Commission will decide if a nuisance exists and if the City may abate the nuisance. 4. The public hearing must be no less than 10 days after the abatement period ends. 5. Service must be by posting notice in conspicuous place on or in front of the building, structure or property in question, as well as personal service on responsible party or registered or certified mail	date and place of a public hearing which shall be held by the hearing board to review the determination and abatement of the public nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement period expires. 8.32.110 - Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board or other items as required under this chapter shall be made by posting a notice in a conspicuous place on or in front of the building, structure or property in question, as well as by any one of the following methods: (A) By personal service on the responsible party; (B) By registered or certified mail addressed to the owner at the last known address of the owner. If there is no known address for the owner, the notice shall be sent to the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls. If the property owner cannot be served by personal service or by mail, service by posting shall be sufficient; (C) By any other means which is authorized or required by applicable law for such nuisance abatement actions.	
3	<u>Nuisance Abatement Hearing</u> 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.	
4	<u>Decision of Planning Commission</u> 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development permit, the required permits shall be obtained prior to commencing abatement. The Order shall also state that all costs of the city's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

		abatement shall be charged against the responsible party as a personal debt or may be assessed upon the property on which the nuisance existed and will constitute a lien or special assessment upon the property until paid.		
5	<u>Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins</u> 1. <u>Within 5 days</u> of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. Service must be by <u>posting notice in conspicuous place</u> on or in front of the building, structure or property in question, as well as <u>personal service on responsible party</u> or <u>registered or certified mail</u>	8.32.140 - A) Within five days following the Board's decision, the responsible party shall be served with a copy of the written nuisance abatement order in the manner provided in section 8.32.110. (B) The Order shall be effective for a one year period after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by the Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance at any time within the abatement period, the city may proceed with the abatement itself under the provisions of section 8.32.190 without further action of the hearing board. The city may also recover all of its abatement effort costs as provided for in this chapter or this code.	5	

CITY OF SUSANVILLE
EXHIBIT 'B'

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ORDINANCE NO. 17-1011
AN ORDINANCE REPEALING AND REPLACING CHAPTERS 1.12 GENERAL PENALTY,
10.22.030 DEFINITIONS, 8.32 ADMINISTRATIVE NUISANCE ABATEMENT AND 8.40
ADMINISTRATIVE CITATIONS AND ADDING CHAPTERS 8.52 PROPERTY
MAINTENANCE, 15.09 NEGLECTED VACANT BUILDINGS AND 15.10 ABATEMENT OF
DANGEROUS BUILDINGS TO THE SUSANVILLE MUNICIPAL CODE

WHEREAS, Susanville City Council has the authority, under its police power, to enact regulation for the public peace, safety, morals and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, the Susanville City Council finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety and welfare of the city; and

WHEREAS, the Susanville City Council is committed to protecting the public peace, safety, morals and welfare by providing security and protection to the community from harms and wrongdoings that arise from public nuisances and that certain conditions ; and

WHEREAS, the Susanville City Council has an interest in maintaining the City of Susanville in an orderly and esthetically pleasing condition, to maintain property values and to improve the quality of life for its residents, businesses, and visitors; and

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the California Government Code authorize 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 finds that City of Susanville's municipal code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City of Susanville proposes amending existing regulations relating to abating public nuisances and recouping the costs related to the enforcement of said regulations as well as adopting new regulations to address the public nuisance stemming from buildings, structures and properties which contribute to neighborhood blight

THE CITY COUNCIL OF THE CITY OF SUSANVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1.12 General Penalty is hereby repealed and replaced with the following:

1.12 General Penalty

1.12.010 General penalty—Violations.

Civil Actions. The city attorney may bring an action in a court of competent jurisdiction to enjoin a violation of any provision of this code or any other ordinance of the city, or to enforce administrative penalties imposed.

Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or other ordinance or code adopted by reference of the city shall, unless specifically defined as a misdemeanor, constitute an infraction and shall be punishable by:

- 1 A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2 B. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the
3 same ordinance, term, or condition within one year from the date of the first violation, or \$500 for
4 a second violation of a building or safety code within one year from the date of the first violation;
5 C. A fine not exceeding five hundred dollars (\$500.00) for a third, and each additional,
6 violation of the same ordinance, term, or condition within one year from the date of the first
7 violation, or \$1,000 for a third violation of a building or safety code within one year from the date
8 of the first violation;

9 A second or subsequent violation need only be of the same ordinance, term, or condition
10 to require the larger fine, and need not involve the same personnel or property, provided that the
11 same responsible party is cited. The fine amounts shall be cumulative where multiple citations
12 are issued.

13 Wherever in this code or in any other ordinance of the city including codes adopted by
14 reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall
15 be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or
16 imprisonment not to exceed six months.

17 Every day the violation of this code or any other city ordinance continues shall constitute
18 a separate offense.

19 1.12.020 Recovery of attorneys' fees and costs.

20 A. In addition to all other remedies and cost recovery authorized or provided by any
21 provision of this code or any other law, any person violating any provision of this code shall be
22 liable to the city for the city's reasonable attorneys' fees and costs incurred to remedy such
23 violation or enforce such person's compliance with this code, including recovery of the city's
24 reasonable attorneys' fees and costs in bringing an action or proceeding to enforce an
25 administrative determination or court order against such person. This section does not apply to
26 public nuisance abatement actions for which attorneys' fees are authorized under subsection B
27 of this section.

28 B. In any action or proceeding brought by the city to abate a public nuisance, the
prevailing party shall be entitled to recover reasonable attorneys' fees; provided that, pursuant to
Government Section 38773.5, attorneys' fees shall only be available in an action or proceeding
in which the city has elected, at the commencement of such action or proceeding, to seek recovery
of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a
prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action
or proceeding.

C. Notwithstanding any other provision of this code, the city, in its discretion, may
pursue any and all legal and equitable remedies for the collection of unpaid city fines, taxes,
interest, fees, service charges, late payment charges, civil penalties, administrative penalties, and
any other sum required to be paid under any provision of this code or any other law. Upon giving
advance written notice that the debtor will be subject to collection costs if the debtor does not pay
the unpaid amount owed to the city, the city shall be entitled to recover reasonable attorneys' fees
and costs associated with the collection of the amount owed regardless of whether the city
pursues said collection through litigation or by any other means. As used herein, "costs" include,
but are not limited to, city staff time incurred in the collection of the amount owed, third-party costs
incurred in the collection action, and those costs set forth in Code of Civil Procedure Section
1033.5. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total
amount owed has been collected.

Section 2. Chapter 10.22.30 Definitions, is hereby repealed and replaced with the following

10.22.030 Definitions.

As used in this chapter:

A. "Highway" means a way or place of whatever nature, publicly maintained or open to the use of the public for purposes of vehicular traffic. "Highway" includes "street."

B. "Inoperative vehicle" means a vehicle that cannot or may not be operated for mechanical or statutory reasons, including, but not limited to, flat tires, engine failure, electrical malfunction, or non-display of current license plates, tabs or stickers as required by Article IX of Chapter 1 of Division 3 of the California Vehicle Code. An inoperative vehicle also includes, but is not limited to, a vehicle which cannot be legally driven on any public street or other area due to lack of front headlights and rear brake lights, windshield, wipers, front and rear bumper(s), or any other equipment required by the California Vehicle Code, any vehicle defined as a "non-repairable vehicle" or "total loss salvage vehicle" by the California Vehicle Code.

C. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

D. "Owner of the vehicle" means the last registered owner and the last legal owner of record.

E. "Public property" does not include "highway."

F. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks.

Section 3. Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced with the following:

Chapter 8.32 Administrative Nuisance Abatement

8.32.010 Purpose.

This administrative nuisance abatement process is intended to enable the city to respond effectively to public nuisances in order to maintain and protect the public peace, safety, welfare and order and to provide security and protection to the community from harms and wrongdoings. This process makes available an alternative remedy to instituting a civil suit to enjoin public nuisances by authorizing the administrative body to impose orders and conditions to abate and halt public nuisances.

8.32.020 Applicability.

A. This chapter provides for administrative abatement of public nuisances, which is in addition to all other legal remedies, criminal or civil, which the city may pursue to address any public nuisance.

B. The use of this chapter shall be at the sole discretion of the city.

C. The city may proceed to abate a public nuisance under this chapter against any or all persons responsible for creating or fostering the creation of the public nuisance, without regard to whether or not the person owns the property upon which the public nuisance is occurring.

8.32.030 Definitions.

A. "Hearing Board" means the planning commission of the city of Susanville sitting as the hearing board of the city of Susanville, or its successor, or such other board or commission of the city that the city council may, by resolution, authorize to perform the functions of the hearing board under this chapter.

B. "Responsible Party" means any individual who is the owner or occupant of real property, the holder or the agent of the holder of any permit, entitlement, or review, or the party or agent of a party to any agreement covered by this chapter; the owner or authorized agent of

any business, company, or entity subject to this chapter; any person or the parent or legal guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit, entitlement, review, or agreement described.

8.32.040 Public nuisance prohibited.

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.

8.32.050 Public nuisance defined.

For purposes of this chapter, a public nuisance means any of the following:

A. A condition of real property or a building, structure, improvement or other thing located on real property that violates any provision of this code, including but not limited to:

1. Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code;

2. A substandard building or a dangerous building or structure maintained in violation of the housing regulations or dangerous building regulations adopted by or pursuant to this code; or

3. A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.

4. Neglected vacant buildings as defined and regulated in chapter 15.09 of this code.

5. Dangerous buildings as defined and regulated in chapter 15.10 of this code.

B. A condition of real property or a building, structure, improvement, or other thing on real property that endangers the public health, safety or welfare, including but not limited to:

1. A tree that is subject to disease or insect infestation likely to spread or is structurally unsound by reason of old age, disease, fire or other cause;

2. A failing private sewage disposal system;

3. An unprotected excavation or an abandoned and uncovered well; or

4. A well with a casing not sealed as required by applicable regulations.

C. A condition of real property or a 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:

1. An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties;

2. An abandoned and dilapidated building or portion of a building; or

3. Dilapidated furniture in yards or on driveways, sidewalks, roofs or unenclosed balconies or porches.

4. The maintenance of property in the city in violation of chapter 8.52 of this code.

5. The outside storage of abandoned vehicles and vehicle parts as defined in chapter 10.22 of this code.

D. A condition of real property or a building, structure, improvement or other thing on real property that is an attractive nuisance (i.e., a dangerous or potentially dangerous condition of property likely to attract children and other curious people) including, but not limited to:

1. An unfenced or otherwise unenclosed outdoor swimming pool; or

2. Unused refrigerators, freezers or ice boxes stored, without the doors removed, outside a building or other enclosed structure.

E. A condition of real property, or of a building, structure, or improvement on real property, resulting directly or indirectly from the violation of:

1. Any regulatory or prohibitory provision of city, state or federal law or regulation applicable to the property or the occupancy of any structure; or

2. Any condition of approval or mitigation measure imposed upon the subdivision of land, any permit or any other entitlement for the use of land.

1 F. Real property that has been the situs for nuisance activity including, but not limited
2 to:

- 3 1. Disturbing the peace, or
- 4 2. Illegal drug activity, or
- 5 3. Public drunkenness, or
- 6 4. Drinking alcoholic beverages in public, or
- 7 5. Harassment of passersby, or
- 8 6. Illegal gambling, or
- 9 7. Prostitution, or
- 10 8. The sale of stolen goods, or
- 11 9. Acts of violence, or
- 12 10. Public urination, or
- 13 11. Acts of vandalism, or
- 14 12. Acts of lewd conduct, or
- 15 13. Unreasonably loud noise, or
- 16 14. Loitering, or

17 G. Any other condition of real property, or of any building, structure, or improvement on
18 real property, declared to be a nuisance by any statute of the State of California, or recognized to
19 be a public nuisance by the common law of this state.

20 H. Nothing contained in this chapter shall prohibit persons from participating in activity
21 which the city may not proscribe under the United States Constitution or the California
22 Constitution.

23 8.32.060 Notification of nuisance.

24 Whenever an enforcement official, as defined in section 8.40.020 of this code, determines
25 that a nuisance, as defined in this chapter, exists on any building, structure or property located
26 within the city, he or she shall notify, in writing, the responsible party of property on which the
27 nuisance is located of the existence of the alleged nuisance which shall be served by personal
28 delivery, first class mail or by registered or certified mail. The notification shall specify the
violation(s), direct that the nuisance be abated and establish a reasonable abatement period of
not less than 10 days.

8.32.070 Voluntary abatement of nuisances.

The responsible party having charge or control of any building, structure or property
alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time
within the abatement period provided in section 8.32.060. If the abatement requires alterations,
repair, rehabilitation or demolition of a building or structure all required city permits or entitlements
must be obtained prior to commencement of the work. The responsible party shall advise the
enforcement official who issued the declaration of nuisance of the completed abatement. Once
so advised, the enforcement official shall inspect the premises to insure that the nuisance has, in
fact, been abated.

8.32.080 Failure to voluntarily abate a declared nuisance.

If an alleged nuisance is not properly abated within the period established under the
provisions of section 8.52.060, the responsible party may be issued an administrative citation as
provided in chapter 8.40 of this code. Alternatively the enforcement official may initiate abatement
procedures by sending a Notice of Intention to Abate Public Nuisance to the responsible party
and follow the process in sections 8.32.090 through 8.32.270.

8.32.090 Notice of intention to abate public nuisance and public hearing thereon.

1 The Notice of Intention to Abate Public Nuisance shall demand that the responsible party
2 remedy or abate such public nuisance within a reasonable period of time which shall not be less
3 than ten (10) days. It shall also give notice of the time, date and place of a public hearing which
4 shall be held by the hearing board to review the determination and abatement of the public
nuisance. The public hearing shall be set for a date no less than ten (10) days after the abatement
period expires.

5 8.32.100 Right of entry procedures

6 A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City
7 of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever
8 there is reasonable cause to believe that there exists a violation of any provision of such
9 ordinance, resolution or code in any building, or upon any premises, or whenever any
10 enforcement official of the city has reasonable cause to believe that any building or premises is
11 unsafe, substandard, unsanitary, or dangerous as defined in any provision of any such ordinance,
resolution or code, an enforcement official of the city may enter such building or premises at a
reasonable time to inspect the same and to perform any duty imposed upon such official by any
provision of such ordinance, resolution or code. However, except in emergency situations, when
consent of the owner and/or occupant to the inspection has not been otherwise obtained, the
enforcement official shall give notice as follows:

12 1. If the building or premises is occupied, the enforcement official shall first present to
13 the occupant city-issued credentials that include the enforcement official's name, position, title,
and photograph. The enforcement official shall then request entry at a time convenient to the
occupant within 24 hours of the time of the request;

14 2. If the building or premises is unoccupied, the enforcement official shall first make a
15 reasonable effort to locate the owner or other person having charge or control of the building or
16 premises, and if located, the enforcement official shall present credentials to the owner or other
17 person and then request entry at a time convenient to such owner or other person, but within 48
18 hours of the entry request;

19 3. If the owner or other person is located outside of the city, the enforcement official may
20 notify that person by telephone or letter, and in doing so shall transmit sufficient information to
21 identify the enforcement official's capacity to the owner or other person and may request entry at
22 a time convenient to such owner or other person, within 5 days of such telephone request, or the
receipt of such letter.

23 If entry is refused by the occupant, the owner, or other person having charge or control of the
24 building or premises, or the enforcement official, after making a reasonable effort, cannot locate
25 the owner, or other person having charge or control of the building or premises, so as to request
26 entry, then the enforcement official may seek and obtain an administrative inspection warrant
27 pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50
28 through 1822.59, as may be amended from time to time, or the successor provisions thereto in
order to secure entry to such building or premises.

B. Any enforcement official of the city or a duly authorized representative or agent of the
city may enter upon a property to access the exterior of the building or structure for the purpose
of posting or serving notice.

8.32.110 Service of notices and order to abate.

Service of Notice of Intention to Abate Public Nuisance, written orders of the hearing board
or other items as required under this chapter shall be made by posting a notice in a conspicuous
place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

(A) By personal service on the responsible party;

1 (B) By registered or certified mail addressed to the owner at the last known address of
2 the owner. If there is no known address for the owner, the notice shall be sent to the property
3 address. "Owner" as used herein means any person(s) shown as the property owner on the latest
4 equalized property tax assessment rolls. If the property owner cannot be served by personal
5 service or by mail, service by posting shall be sufficient;

6 (C) By any other means which is authorized or required by applicable law for such
7 nuisance abatement actions.

8 The failure of any person to receive any notice required and properly served, mailed, posted or
9 published under this chapter shall not affect the validity of any proceedings taken under this
10 chapter.

11 8.32.120 Hearing board - public hearing

12 At the time and place stated in the Notice of Intention to Abate Public Nuisance, the
13 hearing board shall receive, hear and consider all relevant evidence, objections, protests and
14 testimony of the responsible party, as well as that of other witnesses, city personnel and interested
15 persons relative to the alleged public nuisance and to any proposed abatement measures. The
16 hearing board shall only consider evidence that is relevant to whether the violation(s) occurred
17 and whether the responsible party has caused or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether
19 or not the speaker or author is present to testify if the hearing board determines that the evidence
20 is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing
21 board in accordance with the fundamentals of due process. The hearing board may limit the total
22 length of the hearing to one hour, and shall allow the appellant at least as much time to present
23 its case as is allowed the city. The hearing may be continued from time to time.

24 The failure of any person subject to a Notice of Intention to Abate Public Nuisance
25 pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to
26 exhaust administrative remedies.

27 8.32.130 Decision of the hearing board

28 Following the public hearing, the hearing board shall consider all evidence and other
matters noted during the hearing and shall determine whether the building, structure or property
in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds
that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the
hearing board shall make a written nuisance abatement order (Order), setting forth those findings
and ordering the owner, lessee, agent, occupant or other person having charge or control of the
building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the
manner and by the means that may be specifically set forth in the Order. The Order shall set forth
the time within which the abatement work shall be completed, and it shall state that if the nuisance
is not abated within such time period, it may be abated by the city. Where the implementation of
the Order requires a building or development permit or an amendment to an existing development
permit, the required permits shall be obtained prior to commencing abatement. The Order shall
also state that all costs of the city's abatement efforts, including the abatement work and
administrative time to investigate and to hear and effect the abatement shall be charged against
the responsible party as a personal debt or may be assessed upon the property on which the
nuisance existed and will constitute a lien or special assessment upon the property until paid.

8.32.140 Service of the nuisance abatement order; one year jurisdictional period.

A) Within five days following the Board's decision, the responsible party shall be served
with a copy of the written nuisance abatement order in the manner provided in section 8.32.110.

1 (B) The Order shall be effective for a one year period after issuance. During such period,
2 the hearing board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by the Order, as well as the abatement thereof, to
4 ensure that the nuisance does not reoccur and that the building, structure or property is
5 maintained in such a manner so as not to create a nuisance. If, during this one year period, any
6 enforcement official determines that the same or another nuisance, as defined by this chapter
7 exists with respect to the building, structure or property, he or she may give notice to abate the
8 nuisance as provided for in section 8.32.060. If the responsible party does not abate the nuisance
9 at any time within the abatement period, the city may proceed with the abatement itself under the
10 provisions of section 8.32.190 without further action of the hearing board. The city may also
11 recover all of its abatement effort costs as provided for in this chapter or this code.

12 8.32.150 Notice of unlawful detainer proceeding.

13 An owner of real property that is the subject of a nuisance abatement order and who has
14 received a copy of the nuisance abatement order shall notify the city attorney if the owner initiates
15 or causes to be initiated unlawful detainer proceedings:

16 A. As a part of the owner's efforts to comply with or address the nuisance abatement
17 order; or

18 B. Related to the situations, conditions or behaviors described in the nuisance abatement
19 order.

20 8.32.160 Grievance with final order- Appeal

21 Whenever any person is aggrieved by any final order of the hearing board issued pursuant
22 to section 8.32.130, the person may appeal the order to the city council by filing a request for
23 appeal of an order of abatement with the city clerk along with a deposit of \$200. The appellant
24 shall be responsible for all costs of such appeal which exceeds the \$200 deposit. All costs and
25 expenses incurred by the City for and during such appeal shall be an authorized incidental
26 expense subject to this chapter. If the cost of the appeal is less than \$200 the difference shall be
27 refunded to the appellant.

28 The appeal shall be heard by the city council at a regularly scheduled meeting within 45
days of the filing of the appeal. Notice shall be given to the appellant at least 10 days prior to the
scheduled meeting by first class mail sent to the address provided by the appellant on the appeal
request form. The appeal hearing shall be conducted in the same manner as the hearing board
hearing in section 8.32.120.

8.32.170 Right of judicial review.

Any person aggrieved by a nuisance abatement order affirmed on appeal by the city
council may obtain review of the nuisance abatement order in the Superior Court of the county of
Lassen by filing with the court a petition for writ of mandate.

8.32.180 Abatement by responsible party.

The responsible party may, at his or her own expense, abate the nuisance as prescribed
by the order of the hearing board prior to the expiration of the abatement period set forth in the
order. If the nuisance has been inspected by an enforcement official and has been abated in
accordance with the order, current proceedings shall be terminated, except that the hearing
board's one year jurisdictional period shall continue.

8.32.190 Nuisance abatement work performed by or on behalf of the city

Where a responsible party has failed to abate a nuisance within the time prescribed by a
nuisance abatement order approved by the hearing board and served on such responsible party

1 in the manner provided for by this chapter, the enforcement official, with approval of the city
2 administrator, shall cause the nuisance to be abated either by the use of city forces or by
3 employing a private contractor to perform such work. However, the enforcement official shall not
4 enter upon or cause any other person to enter upon the property which is the subject of a nuisance
5 abatement order for the purpose of performing abatement work thereon without the prior written
6 consent of the property owner unless and until a warrant or other order has been obtained by the
7 city attorney on behalf of the city from a court of competent jurisdiction which authorizes an entry
8 on such property for such purpose.

9 When undertaking work necessary to abate a nuisance following the failure of the owner
10 of the property on which such nuisance is located to abate the nuisance within the time prescribed
11 by a nuisance abatement order, the person responsible for performing the work shall keep an
12 accurate record of the nature of such work and all direct and indirect costs incurred in connection
13 with the performance of such work. In those cases in which the city has employed a private
14 contractor to perform nuisance abatement work, such indirect costs shall include the cost of
15 preparing plans and specifications for the work, the cost of preparing, bidding and awarding a
16 contract for performance of the work, and the cost of inspecting the work.

17 8.32.200 Record of cost for abatement; notice of cost hearing.

18 The city finance manager, the enforcement official or such other city official as may be
19 designated shall keep an account of all costs incurred by the city in abating nuisances on each
20 separate lot or parcel of land where the work is done and shall render a written itemized report to
21 the city council. Costs shall include the expense of abating such nuisance and shall be itemized
22 showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation,
23 demolition or removal of said premises, building or structures, including any salvage value relating
24 thereto and any incidental expenses; provided that before said report is submitted to said city
25 council, a copy of the same shall be posted for at least ten (10) days upon such premises, together
26 with a notice of the time when said report shall be heard by the City Council for confirmation; a
27 copy of said report and notice shall be served upon the owners of said property, in accordance
28 with the provisions of Section 8.32.110 of this chapter at least ten (10) days prior to submitting
the same to the city council; proof of said posting and service shall be made by affidavit filed with
the city clerk. The term "incidental expenses" shall include, but not be limited to, the actual
expenses and costs of the city in obtaining title reports, in the preparation and service of notices,
preparation of specifications the preparation and award of contracts, all costs of inspecting any
work done pursuant to this chapter, the costs of printing and mailing required hereunder, the costs
of preparing materials for any hearing held pursuant to this chapter, penalties, permit fees, late
charges, interest, conducting hearings, attorneys' fees, and a reasonable additional sum to cover
the cost of administrative overhead.

8.32.210 Cost report – Hearing and proceedings.

At the time and place fixed for receiving and considering the cost report, the city council
shall receive, hear and consider the report, together with any other relevant evidence, objections,
protests or testimony. Thereupon, the Council may make such revision, correction or modification
to the report as it may deem just after which, by resolution, the details of the report, as submitted
or as revised, corrected or modified, shall be confirmed. Protests and objections shall relate to
expenses for abatement and related administrative costs and not to the merits of underlying
violations. The council resolution shall set forth the cost of the abatement, date of the Order, a
brief description of the abatement work performed by or on behalf of the city, describe the property
upon which such work was performed by legal description, assessor's parcel number, and where
possible by a street address, contain the name and current address of the owner of such property
and shall include a date set by which time the cost of abatement shall be due. In addition, the

1 resolution shall provide for collection of the assessment in the event of nonpayment either by
2 recordation of the council resolution in the manner provided for by section 38773.1 of the
3 California Government Code as a lien on the property, by including the assessment on the county
4 tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
5 debt against the responsible party.

6 8.32.220 Service for resolution of assessment costs

7 Following adoption of a council resolution levying an assessment for city abatement costs, the
8 resolution to be served on the responsible party in the following manner:

9 A. If the council resolution levying the assessment provides for collection of the
10 assessment by recordation of the resolution against the property upon which city abatement work
11 was performed, the enforcement official shall cause a copy of the resolution to be served on the
12 owner of such property in the same manner as required by law for the service of a summons in a
13 civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure
14 (commencing with Section 415.10); provided, however, that in the event the owner of the property
15 upon which the city abatement work was performed cannot be found after a diligent search for
16 same, the enforcement official shall serve the council resolution by posting a copy thereof in a
17 conspicuous place on or next to such property for a period of 10 days, and by publishing a copy
18 of the resolution in a newspaper of general circulation in the county of Lassen in the manner
19 provided for by Section 6062 of the Government Code.

20 B. If the council resolution levying the assessment provides for collection of the
21 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
22 certified copy of the resolution to be served on the owner of the property by certified mail, if the
23 property owner's identity can be determined from the county assessor's or county recorder's
24 records. The notice shall be given at the time of imposing the assessment and shall specify that
25 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
26 The tax collector's power of sale shall not be affected by the failure of the property owner to
27 receive notice. The assessment may be collected at the same time and in the same manner as
28 ordinary municipal taxes are collected, and shall be subject to the same penalties and the same
procedure and sale in case of delinquency as provided for ordinary municipal taxes and subject
to any other provisions of Section 38773.5 of the California Government Code.

18 8.32.230 Collections of assessment by recordation of council resolution levying assessment -
19 Recordation of council resolution

20 Where the council has adopted a resolution levying an assessment for city abatement
21 costs and has provided in such resolution for the collection of such abatement costs by recording
22 the resolution against the property on which the city abatement work was performed, the director,
23 promptly after completing service of the council resolution in the manner hereinbefore required
24 by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy
25 of the resolution, and shall cause such certified copy of the resolution, with the declaration or
26 affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
27 such recordation, the assessment provided for by such resolution shall have the force, effect and
28 priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil
Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the
Code of Civil Procedure, all as may be amended from time to time.

26 8.32.240 Collection of assessment by recordation of council resolution levying assessment
27 - Commencement of foreclosure action.

28 When directed to do so by the city council, the city attorney shall commence an action in
a court of appropriate jurisdiction to foreclose the assessment lien for city abatement work which
was established by recordation of the council resolution levying the assessment for such

1 abatement work in the manner provided by this chapter. In such action the city shall be entitled to
2 recover any costs incurred for the purpose of processing, serving or recording such resolution.

3 8.32.250 Collection of assessment by recordation of council resolution levying assessment -
4 Release of assessment lien.

5 At such time as the lien created by recordation of the council resolution levying an
6 assessment for city abatement costs is discharged or satisfied, either through payment of the lien,
7 or by sale of the property encumbered by the lien at the conclusion of a foreclosure action, the
8 director shall promptly cause a release of the lien, in a form approved by the city attorney, to be
9 recorded in the official records of the county of Lassen.

10 8.32.260 Collection of assessment on county tax rolls - Requests for inclusion of assessment on
11 county tax rolls.

12 Where the city council has adopted a resolution levying an assessment for city abatement
13 costs and has provided in such resolution for the collection of such assessment on the county tax
14 rolls, the enforcement official, after serving the resolution in the manner required by this chapter,
15 shall promptly transmit a certified copy of the resolution to the finance director who shall
16 immediately forward same to the Lassen County auditor with a request that the assessment levied
17 by such resolution be added to the county tax rolls in the manner provided for by Section 38773.5
18 of the Government Code. Thereafter all laws applicable to the levy, collection and enforcement
19 of property tax shall be applicable to such special assessment.

20 8.32.270 Collection of assessment on county tax rolls - Payment of assessment.

21 If the assessee should pay to the city the full amount of an assessment levied for city
22 abatement costs, together with any interest or penalties thereon, after the date the assessment
23 is added to the county tax rolls, the city finance manager shall promptly cause such assessment
24 to be removed from the tax rolls.

25 8.32.280 Summary nuisance abatement.

26 (A) Notwithstanding any provisions of this chapter to the contrary, whenever the
27 enforcement official determines that a public nuisance is so imminently dangerous to life or
28 property that such condition must be immediately corrected, the enforcement official may institute
the following procedures.

(1) Notice. The enforcement official shall attempt to contact, through a personal interview
or by telephone, the owner, lessee, agent or other person, if any, occupying or otherwise in real
or apparent charge or control thereof. In the event contact is made, the enforcement official shall
notify such person(s) of the danger involved and require that such condition be removed, repaired,
isolated or otherwise abated, within a reasonable period of time under the circumstances, so as
to prevent the immediate danger to life or property.

(2) Abatement. In the event the enforcement official is unable to make contact as noted
above, or if the appropriate person(s), after notification by the enforcement official, fail to abate
the condition within the time frame specified by the enforcement official, then the enforcement
official may, with the approval of the City Administrator, take all steps deemed necessary to
remove, repair, isolate or otherwise abate such condition immediately and without further notice
to the extent necessary to prevent the immediate danger to life or property.

(3) The costs may be recovered pursuant to this chapter or by any other means provided
for by law.

8.32.290 Administrative civil penalties.

A. The process for the assessment of administrative civil penalties established in this
chapter is in addition to any other administrative or judicial remedy established by law that may

1 be pursued to address violations of the Susanville Municipal Code. The hearing board may
2 impose penalties upon persons responsible for creating, maintaining or fostering a public
3 nuisance in an amount not to exceed a maximum of five hundred dollars (\$500.00) per day for
4 each day that the public nuisance occurs, except that the total administrative penalty imposed
pursuant to this chapter shall not exceed ten thousand dollars (\$10,000.00), exclusive of
administrative costs and interest.

5 B. In determining the amount of the penalty, the hearing board may take any or all of
the following factors into consideration:

- 6 1. The period of time during which the public nuisance occurred;
- 7 2. The nature, frequency and recurrence of the public nuisance;
- 8 3. The ease with which the public nuisance could have been abated;
- 9 4. The good faith efforts made to deter the public nuisance or ameliorate its effects;
5. The economic impact of the penalty upon persons responsible for payment;
6. The impact of the public nuisance on the community; and/or
7. Such other factors as justice may require.

10 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement cease and desist order and shall cease
to accrue on the date the nuisance abatement order has been complied with as determined by
the city attorney or the board.

11 D. Penalties assessed by the board shall be due by the date specified in the nuisance
12 abatement order.

13 E. Penalties assessed by the board are a debt owed to the city and, in addition to all
other means of enforcement, where the person against whom the penalties are assessed is an
owner of the subject real property, may be enforced and collected through the placement of a lien
against the subject real property.

14 F. Penalties shall continue to accrue on a daily basis until the nuisance abatement
15 order has been complied with, subject to the maximum amount set forth in this section.

16 G. If a person subject to the nuisance abatement order gives written notice to the city
attorney that the nuisance abatement order has been complied with and if the city attorney finds
that compliance has been achieved, the date that the written notice was postmarked or personally
delivered to the city attorney or the date of the city's final inspection, whichever first occurred,
shall be deemed to be the date of compliance with the nuisance abatement order.

18 8.32.300 Violations.

19 A. Any responsible party who maintains any public nuisance defined in this chapter and
20 who fails to comply with a nuisance abatement order served as provided in section 8.32.130 may
be charged as either an infraction or a misdemeanor.

21 B. Any responsible party who causes or maintains any public nuisance defined in
section 8.32.050 of this code, who allows such a nuisance to continue or who neglects to comply
22 with a Notice of Intent to Abate Public Nuisance is guilty of an infraction. Each day such condition
continues shall be regarded as a new and separate offense.

23 C. Any person who removes or causes the removal of any notice or order posted as
required in this chapter for the purpose of interfering with the enforcement of the provisions of this
chapter may be charged with either an infraction or a misdemeanor.

24 D. Any person who obstructs, impedes or interferes with any representative of the city
25 or with any person who owns, leases, occupies or has charge or control over any building,
structure or property when any of the aforementioned individuals are lawfully engaged in
26 proceedings involving the abatement of a nuisance under this chapter may be charged with either
an infraction or a misdemeanor.

27 8.32.310 Interest.

Any person who fails to remit payment to the city of any penalty, cost or any other charge required to be paid to the city pursuant to a nuisance abatement order under this chapter on or before the date the penalty, cost or other charge is due shall, in addition to the amount of the penalty, cost, and charge, pay interest on the amounts due at the rate of ten percent per annum, pro-rata, from the date on which the amount due first became delinquent until the date that payment is received by the city.

8.32.320 Report of compliance after nuisance abatement order.

If the enforcement official determines that compliance with the nuisance abatement order has been achieved, the enforcement official shall file a report with the city clerk acting as secretary of the hearing board indicating that compliance has been achieved and the date of the city's final inspection of the subject property.

8.32.330 Compliance dispute.

A. If the enforcement official does not file a report pursuant to Section 8.32.340, a person subject to the nuisance abatement order who believes that compliance has been achieved may request a compliance hearing before the hearing board by filing a request for a hearing with the secretary of the board.

B. The hearing shall be noticed and conducted in the same manner as a hearing on an abatement order provided in Sections 8.32.080 through 8.32.130 of this chapter.

C. The hearing board shall determine if compliance with the nuisance abatement order has been achieved and, if so, when it was achieved.

Section 4. Chapter 8.40 Administrative Citations is hereby repealed and replaced with the following:

CHAPTER 8.40 Administrative Citations

8.40.10 Purpose.

This chapter provides for administrative citations in addition to all other civil remedies and as an initial alternative to any criminal remedy which may be pursued by the city to address any violation of this code. The use of this chapter shall be at the sole discretion of the city. The use of any other enforcement proceedings provided for by this code shall not be considered a prerequisite for the use of this chapter, nor shall the use of this chapter be considered a prerequisite for the use of any other enforcement proceedings.

A. The City Council hereby finds that an appropriate method of enforcement is the imposition and collection of administrative fines as independently authorized by both California Constitution Article XI, Section 7, and municipal affairs provisions of Government Code Section 53069.4.

B. The City Council further finds and determines that enforcement of the Susanville Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements, permits, and CEQA reviews, and terms and conditions of City agreements made pursuant to the police power is a matter of public health, safety and welfare and serves important public purposes. The City of Susanville adopts this administrative citation program in order to achieve the following goals:

1. To protect the public health, safety and welfare of the City and its citizens;
2. To gain compliance with the Susanville Municipal Code, ordinances, agreements, and regulations of the City enacted pursuant to its police powers, and the conditions of approval of permits, entitlements, and CEQA reviews granted by the City pursuant to the City's police powers in a timely and efficient manner;

1 3. To provide for an administrative process that has objective criteria for the imposition of
2 administrative fines and provides for a fair process to appeal the imposition of administrative fines
and penalties;

3 4. To provide a method to hold parties responsible when they fail or refuse to comply with
4 the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
of entitlements or permits enacted or approved pursuant to the police power;

5 5. To avoid or minimize the expense and delay of enforcement in the civil or criminal justice
system.

6 8.40.020 Definitions.

7 A. "Enforcement official" means any official or employee of the City with the authority
to enforce the Susanville Municipal Code. By way of example this means a police official, a fire
8 official or the building official.

9 B. "Responsible party" means any individual who is the owner or occupant of real
property, the holder or the agent of the holder of any permit, entitlement, or review, or the party
10 or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
any business, company, or entity subject to this chapter; any person or the parent or legal
11 guardian of any person under the age of 18 years; who violates any ordinance, regulation, permit,
entitlement, review, or agreement described

12 8.40.030 Administrative citation.

13 A. Any person who violates any provision of the Susanville Municipal Code or
regulation of the City, any condition of approval of a permit or entitlement, any condition of an
14 environmental review, or any term or condition of any agreement with the City made pursuant to
the police power may be issued an administrative citation by an enforcement official as provided
in this chapter. A violation of the Susanville Municipal Code includes, but is not limited to, all
15 violations of that code and all uncodified ordinances. A violation of a condition of approval of a
permit or entitlement, includes, but is not limited to, a conditional use permit, minor conditional
16 use permit, temporary use permit, architectural design and site plan review, sign permit, variance,
specific plan, parcel map, subdivision map, building or grading permit, or any encroachment or
17 right-of-way permit. A violation of a condition of approval of an environmental review includes,
but is not limited to, any environmental impact report, mitigated negative declaration, negative
18 declaration, or determination of categorical exemption. A violation of a term or condition of any
agreement with the City made pursuant to the police power includes, but is not limited to, any
19 development agreement, owner participation agreement, disposition and development
agreement, road maintenance agreement, any easement, license, or other real property use
20 agreement, or any agreement made with the city to implement any ordinance, plan, permit,
entitlement, or review approved by the City.

21 B. Each and every day a violation exists constitutes a separate and distinct offense.
22 A separate citation may be issued for each day a violation occurs.

23 C. A civil fine shall be assessed by means of an administrative citation issued by the
enforcement official and shall be payable directly to the City of Susanville.

24 D. Fines shall be assessed in the amounts specified in chapter 1.12 of this code.

25 E. Notice of Violation in Lieu of Administrative Citation. If the violation consists of a
violation of building, electrical, plumbing or zoning regulations set forth in this code, or any
26 violation of Title 15 or 17 of this code, the enforcement official shall defer issuance of an
administrative citation until the responsible party for a violation has first been given notice of the
violation and an opportunity to correct the violation, in accordance with the procedures set forth
27 in this chapter. In cases involving a violation of building, electrical, plumbing, or zoning regulations
set forth in this code, or any violation of Title 15 or 17 of this code, shall also include each owner
28 of the property upon which the violation occurs.

1 F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may
2 be issued pursuant to this section in lieu of any criminal citation which could have been issued for
3 the same violation. The issuance of the administrative citation shall not, however, prevent the
4 issuance of a criminal citation or filing of a complaint for:

1. The same violation when any administrative fine imposed pursuant to this
chapter has not been paid by the date payment is due, or
2. A subsequent violation of the same nature.

5 8.40.040 Contents of Administrative Citation.

6 Each administrative citation shall contain the following information:

- 7 A. The date of the violation or, if the date of the violation is unknown, then the date
the violation is identified;
- 8 B. The address or a definite description of the location where the violation occurred
or is occurring;
- 9 C. The section of this code violated and a description of the violation;
- 10 D. The amount of the administrative fine for the code violation;
- 11 E. A description of the fine payment process, including a description of the time within
which and the place to which the fine shall be paid;
- 12 F. An order prohibiting the continuation or repeated occurrence of the code violation
described in the administrative citation;
- 13 G. A description of the administrative citation review process, including the time within
which the administrative citation may be contested and the place from which a request for hearing
form to contest the administrative citation may be obtained; and
- 14 H. The name and signature of the citing enforcement official.

15 8.40.050 Service of administrative citations and other notices.

16 The administrative citation and all notices authorized or required to be given by this
chapter shall be deemed served when made in writing and either personally delivered to the
17 responsible party for the violation or deposited in the United States mail, first class postage
prepaid, addressed to such responsible party at their last known address. However, if a citation
18 or notice is required to be served on the owner of property, it shall be deemed served when made
in writing and deposited in the United States mail, addressed to the owner at the owner's address
19 as it appears on the latest equalized or supplemental assessment roll of Lassen County. In
addition, the administrative citation shall be posted on the real property that is the subject of the
20 violation. Service of a citation or notice by mail in the manner provided for by this section shall be
effective on the date of mailing, and the failure of any person to actually receive any citation or
21 notice specified in this chapter shall not affect the validity of the citation or notice or of the
proceedings conducted hereunder.

22 8.40.060 Notice of violation - Generally.

23 Except as provided in section 8.40.070, when a violation consists of a violation of building,
electrical, plumbing or zoning regulations set forth in this code, or any violation of Title 15 or 17
24 of this code, the enforcement official shall issue a written notice of violation to any responsible
party for the violation prior to the issuance of an administrative citation for that violation. The
notice of violation shall contain all of the following:

- 25 A. The date and location that the violation was observed;
- 26 B. The section of this code violated and a description of the violation;
- 27 C. The actions required to correct the violation;
- 28 D. A reasonable time period for the correction of the violation, not less than 10 days; and
- E. Notice that if the violation is not corrected by the date specified in the notice of violation,
an administrative citation may be issued and administrative fines may be imposed.

1
2 8.40.070 Notice of violation - Exceptions.

An administrative citation may be issued in lieu of a notice of violation only if:

3 A. The responsible party for the violation was issued an administrative or infraction
4 citation for violation of the same provision of this code within the immediately preceding 12
5 months;

6 B. The violation constitutes, in the opinion of the enforcement official, an immediate threat
7 to the health or safety of any person or the public generally;

8 C. One or more other violations exist on the property, any one of which is not subject to
9 section 8.40.60; or

10 D. The person responsible for the violation currently owes the city unpaid administrative
11 fines that are delinquent.

12 8.40.080 Correction of violation.

13 If the enforcement official determines that all violations listed in the notice of violation have
14 been corrected within the time specified in the notice of violation, an administrative citation shall
15 not be issued. If the enforcement official determines that all violations listed in the notice of
16 violation have not been corrected within the time specified, an administrative citation may be
17 issued for each uncorrected violation or the enforcement official may invoke any other remedy
18 provided by law.

19 8.40.090 Payment of the fine.

20 A. The fine shall be paid to the city within twenty-one (21) days from the date of the
21 administrative citation.

22 B. Any administrative citation fine paid pursuant to subsection A shall be refunded in
23 accordance with Section 8.40.100 if it is determined, after a hearing, that the person charged in
24 the administrative citation was not responsible for the violation or that there was no violation as
25 charged in the administrative citation.

26 C. Payment of a fine under this chapter shall not excuse or discharge any continuation
27 or repeated occurrence of the code violation that is the subject of the administrative citation.

28 8.40.100 Hearing request.

A. 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 thirty (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.

B. A request for hearing form may be obtained from the city finance division.

C. 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.

D. 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 (5) days prior to the
date of the hearing.

8.40.110 Advance deposit hardship waiver.

A. 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 8.40.090(A) may file a request for an advance
deposit hardship waiver.

1 B. The request shall be filed with the department of finance on an advance deposit
2 hardship waiver application form, available from the department of finance, within fifteen (15) days
of the date of the administrative citation.

3 C. The requirement of depositing the full amount of the fine as described in Section
4 8.40.090(A) shall be stayed unless or until the director of finance manager makes a determination
not to issue the advance deposit hardship waiver.

5 D. The finance manager may, after consultation with and approval by the city
6 administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and
7 issue the advance deposit hardship waiver only if the cited party submits to the finance manager
a sworn affidavit, together with any supporting documents or materials, demonstrating to the
satisfaction of the finance manager the person's actual financial inability to deposit with the city
the full amount of the fine in advance of the hearing.

8 E. If the finance manager determines not to issue an advance deposit hardship
9 waiver, the person shall remit the deposit to the city within ten (10) days of the date of that
decision.

10 F. The finance manager shall issue a written determination listing the reasons for his
11 or her determination to issue or not issue the advance deposit hardship waiver. The written
determination of the finance manager shall be final and shall be served upon the person who
applied for the advance deposit hardship waiver.

12 8.40.120 Hearing Board.

13 The "hearing board" for administrative citations shall be the same as defined in section
8.32.030 of this code.

14 8.40.130 Hearing procedure.

15 A. No hearing to contest an administrative citation before the hearing board officer
shall be held unless the fine has been deposited in advance in accordance with Section 8.40.100
or an advance deposit hardship waiver has been issued in accordance with Section 8.40.110.

16 B. A hearing before the hearing board officer shall be set for a date that is not less
17 than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing
is filed in accordance with the provisions of this chapter.

18 C. At the hearing, the administrative citation and any written report submitted by the
19 enforcement official shall constitute prima facie evidence of the respective facts contained in the
citation. Both the party contesting the administrative citation and the enforcement official shall be
20 given the opportunity to testify and to present additional evidence concerning the administrative
citation. Such evidence may include the testimony of other witnesses, or the introduction of
21 documents or other evidence. Such testimony, written documents, or other evidence sought to
be introduced shall not be limited to any legal rules of evidence, save and except for the rule that
22 it shall be relevant and material to the issues of whether the violation alleged in the citation
occurred and whether the person cited committed, caused or was responsible for the violation.
23 Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in
accordance with the fundamentals of due process. The hearing board may limit the total length of
24 the hearing to one hour, and shall allow the appellant at least as much time to present its case as
is allowed the city.

25 D. The failure of any recipient of an administrative citation to appear at the
administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their
administrative remedies.

26 E. The administrative citation and any additional report submitted by the enforcement
27 officer shall constitute prima facie evidence of the respective facts contained in those documents.

1 F. The hearing board may continue the hearing and request additional information
2 from the enforcement official or the recipient of the administrative citation prior to issuing a written
3 decision.

4 8.40.140 Hearing board's decision and city council review.

5 A. After considering all of the testimony and evidence submitted at the hearing, the
6 hearing board shall issue a written recommendation to the city council to uphold or cancel the
7 administrative citation and shall list in the decision the reasons for that recommendation. The city
8 council shall make the final decision to uphold or cancel the administrative citation at the next
9 regular meeting of that body in which the decision on the administrative citation can be legally
10 calendared. That decision shall be final.

11 B. If the city council determines that the administrative citation should be upheld, then
12 the fine amount on deposit with the city shall be retained by the city.

13 C. If the City Council determines that the administrative citation should be upheld and
14 the fine has not been deposited pursuant to an advance deposit hardship waiver the due date for
15 the payment of the fine shall be fifteen (15) calendar days from the date of city council's decision
16 to uphold.

17 D. If the City Council determines that the administrative citation should be canceled
18 and the fine was deposited with the city, then the city shall within fifteen (15) calendar days refund
19 the amount of the deposited fine.

20 E. The recipient of the administrative citation shall be served with a copy of the city
21 council's written decision. Service may be made personally at the conclusion of the city council
22 meeting, or by mail, after the adjournment of the hearing.

23 8.40.150 Delinquent administrative fines – late payment charges and interest.

24 A. Late payment charges. The finance manager shall add a penalty of ten percent to
25 the original amount of any delinquent administrative fine on the last day of each month after the
26 due date thereof. However, the total amount of such penalties to be added shall not exceed 50
27 percent of the amount of the original administrative fine.

28 B. Interest. In addition to the penalties imposed, any recipient of an administrative
citation who fails to remit an administrative fine by its due date shall pay interest at the rate of 10
percent per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive
of penalties, from the first day of delinquency until paid.

8.40.160 Right to judicial review.

Any person aggrieved by a decision of the city council on an administrative citation may
obtain review of the decision by filing a petition for review with the Lassen County Superior Court
in accordance with the timelines and provisions as set forth in California Government Code
Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter,
notwithstanding that the term or condition being enforced pursuant to this chapter may not be a
matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without
first participating in a hearing as provided in this chapter.

8.40.170 Recovery of administrative citation fines and costs.

The city may collect any past due administrative fine, penalty, and interest charge by use
of all available legal means. The obligation for past due administrative fines, penalties, and
interest imposed for any violation which arises from a condition or use of any real property, or
structure thereon, which is owned by the person cited, which has not been fully satisfied within 60
calendar days, and for which no appeal has been filed may also be assessed and made a lien
against the real property upon which the violation occurred. Lien and special assessment
procedures shall be the same as outlined in municipal code sections 8.32.210 through 8.32.270.

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8.40.180 Procedural compliance.
Failure to comply with any procedural requirement of this chapter, to receive any notice or decision specified in this chapter, or to receive any copy required to be provided by this chapter shall not affect the validity of proceedings conducted hereunder unless the responsible party is denied constitutional due process thereby

Section 5. Chapter 8.52 Property Maintenance is hereby added to the Susanville Municipal code as follows:

Chapter 8.52 Property Maintenance

8.52.010 Purpose and Intent of chapter.
It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to any other remedy available by law or equity, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds and/or debris, abandoned vehicles, machinery or equipment, junk, trash, or are a menace, or hazard to life, limb, safety, health, morals, property values, aesthetic standards, or the general welfare of the city, may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.

Additionally the purpose of this chapter is to provide minimum standards for the maintenance of property in the city. Where this chapter imposes a greater restriction upon property or structures thereon than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed or other private agreement or with restrictive covenants running with the land to which the city is a party.

8.52.020 Responsibilities for property maintenance.
Every owner, lessee, occupant or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures or property in a manner so as not to violate the provisions of this chapter, and the owner, lessee, occupant or person having charge or control of the building, structure or property remains liable for violations hereof regardless of any contract or agreement with any third party regarding the same. The duty imposed by this section on an owner shall in no instance relieve those other persons referred to herein from the same duty.

8.52.030 Classification of nuisances.
The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared to be unlawful and are defined as and declared to be public nuisances which are injurious or potentially injurious to the public health, safety and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public rights-of-way:

A. Structures or buildings, both permanent and temporary, or other lot improvements including buildings or sheds exempt from obtaining a building permit, which are subject to any of the following conditions:

1. Faulty weather protection, including, but not limited to, the following:

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- a. Crumbling, cracked, damaged, missing, broken or loose exterior plaster, siding of any kind, roofs, foundations or floors;
 - b. Broken, damaged or missing windows or doors; and
 - c. Painted or unpainted surfaces suffering from dry rot, warping or termite infestation;
2. Building or structures which are under construction or rehabilitation and are not completed within a reasonable time or whose building permit for such construction or rehabilitation has expired;
3. 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 maintained in 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;
4. Substantial deterioration of porches, landings, patios, stairways or guardrails which, although not otherwise constituting an unsafe structure as defined in this code, are visible from public rights-of-way or neighboring properties and are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property;
5. Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property;
6. Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard or other condition which is injurious or potentially injurious to public health, safety and welfare;

B. Vegetation, trees, landscaping or other plant materials which are subject to any of the following conditions:

1. Overgrown or in such a condition that they are or are likely to:
- a. Harbor rats, vermin or other vectors;
 - b. Provide a harboring place for vagrants or other persons;
 - c. Which encroaches into, over, or upon any public right-of-way, including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel; or
 - d. Be injurious to the public health, safety and welfare or have a tendency to depreciate the appearance and property values of surrounding properties;
 - e. Create a fire hazard as determined by the fire chief or duly authorized agent.
2. Dead, decayed, diseased, hazardous or in such a condition that they are or are likely to:
- a. Be injurious to the public health, safety and welfare or have a tendency to depreciate the appearance and property values of surrounding properties;
 - b. Create a fire hazard or health hazard;

C. The parking or storage of trailers, campers, boats, vessels, watercraft, recreational vehicles, wood splitters or other similar vehicles and equipment on residentially used property is prohibited as follows:

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1. In the front yard area. For the purpose of this section, the "front yard area" shall mean any area of the lot or parcel that is not a paved driveway, that is between the front elevation of the residential building and the front property line of the lot or parcel and that extends the entire width of the lot or parcel.

2. On a paved driveway surface when such parking or storage unreasonably prevents routine and useful access to a required garage parking space or prevents the utilization of the paved driveway area for off-street parking. For purposes of this section, "paved driveway" shall mean a paved strip of land which meets all applicable zoning and building regulations of the city, which provides access from the street to a garage, carport or parking space and which has a single access point. The paved driveway may have two access points only if the driveway is semi-circular in nature. For purposes of this section, "parking space" shall mean a paved area within the front yard area which meets all applicable zoning and building regulations of the city and which is of sufficient size to be used for the express purpose of parking a vehicle.

3. On a paved driveway area when such parking or storage unreasonably obstructs the cross visibility of vehicle or pedestrian traffic and creates an unsafe condition or traffic hazard or when the vehicle or equipment projects over or onto the sidewalk or street;

4. When stored directly on the ground and not upon a currently registered and operable vehicle, trailer or similar device designed to transport such vehicle or equipment.

5. In an abandoned, inoperative, wrecked or dismantled condition;

D. Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations, stagnant water or abandoned wells;

E. 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 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;

- 1 5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal,
2 tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling
3 containers or as may be permitted by this code or the zoning classification of the property;
- 4 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
5 of Chapter 10.22 of this code;
- 6 7. Outdoor storage or scattering of materials, equipment or other items on residentially
7 used property which is not typically associated with such use, which is inconsistent with
8 the zoning classification of the property and which creates a fire hazard or health hazard
9 or which is otherwise injurious or potentially injurious to the public health, safety and
10 welfare;
- 11 8. Excessive accumulation of animal waste or the presence of any animal carcass.
- 12 F Packing boxes or similar storage containers which are stored in yards or unenclosed
13 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
14 are otherwise injurious or potentially injurious to the public health, safety and welfare;
- 15 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
16 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
17 public property;
- 18 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
19 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
20 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
21 paved driveway if a paved driveway has been developed on the property or on an existing gravel
22 driveway if the property was developed prior to the requirement for a paved driveway;
- 23 I. To allow or permit graffiti to remain on any building, fence, wall, structure, sign or
24 vehicle when visible to the public street, highway, right-of-way or public place for more than 1
25 week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure,
26 mark or design that is written, marked, etched, scratched, drawn or painted on any surface in
27 violation of this code or other state or local law;
- 28 J. Signs constructed, erected or maintained in violation of the provisions of Chapter
17.128 of this code or an applicable specific plan ordinance;
- K. Any device, decoration, design, fence or structure which, by reason of its condition
or its location, is injurious or potentially injurious to the public health, safety and welfare or has a
tendency to degrade the appearance and property values of surrounding property;
- L. Animals, livestock, poultry, insects, or bees kept, bred, or maintained for any
purpose and in violation of this code or any other code adopted by this city.
- M. 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 Cal. Civil Code § 3480 or other applicable law.
- 8.52.040 Declaration of nuisance.

1 Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any
2 enforcement official as designated by the City Administrator to enforce the codes of the City
3 determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or
4 property located within the city, he or she may utilize any abatement methods authorized by this
code including but not limited to the process for abating public nuisances as contained in Chapter
8.32 of this code or the issuance of an administrative citation as provided for in chapter 8.40.

5 **Section 6.** Chapter 15.09 Neglected vacant buildings is hereby added to the Susanville Municipal
6 code as follows:

7 Chapter 15.09 – Neglected vacant buildings

8 15.09.010 – Findings and purpose

9 The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings
10 are a major cause and source of blight in both residential and nonresidential neighborhoods,
11 especially when the owner of the building fails to actively maintain and manage the building to
12 ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants
13 and transients and invite criminal activity, the dumping of trash and garbage and unauthorized
14 occupation. The use of vacant buildings by transients, who may employ primitive cooking or
heating methods, creates a risk of fire for vacant buildings and adjacent properties. Vacant
15 buildings, whether or not those buildings are boarded, discourage economic development and
16 retard appreciation of property values. It is the responsibility of the owner to prevent owned
17 property from becoming a burden to the neighborhood and community, and a threat to the public
18 health, safety and welfare.

19 The City Council also finds that because of the potential economic and public health,
20 safety and welfare problems caused by vacant buildings, the city needs to monitor vacant
21 buildings so that they do not become attractive nuisances, are not used by vagrants or
22 trespassers, are properly secured and maintained, and do not become a blighting influence in the
neighborhood. City departments involved in such monitoring include the police department, fire
23 department, planning and building division and engineering division. There is a substantial cost
24 to the city for monitoring vacant buildings which should be paid by the owners of the vacant
25 buildings. The city has established the vacant building monitoring program to accomplish this
purpose.

26 The purpose of this chapter is to require that vacant dwellings and buildings within the
27 incorporated limits of the City of Susanville are maintained to certain minimum standards and
28 suitable for use or habitation while allowing them to be properly secured and boarded up for a
limited period time, and that dwellings and buildings which remain vacant and unoccupied for
appreciable periods of time do not become public nuisances.

23 15.09.020 – Remedies for violation.

24 A building that is vacant or vacant and boarded in violation of this chapter is a public
25 nuisance. In addition to the provisions in this chapter, the city is authorized to use the remedies
set forth in state law, the California Building Code, the Uniform Code for the Abatement of
Dangerous Buildings, and the City of Susanville Municipal Code.

26 The remedies, procedures and penalties provided by this chapter are cumulative to each other
27 and to any others available under state law or other city ordinances. The imposition of a vacant
28 building monitoring program fee shall not preclude the city from seeking all other remedial
penalties available under the City of Susanville Municipal Code.

Any person violating the provisions of this chapter may be charged with either an infraction for each day such violation continues or with a misdemeanor. In addition to the remedies provided herein, violations of this chapter may be abated as a public nuisance pursuant to Chapter 8.32 of this code and/or administrative citation(s) issued pursuant to Chapter 8.40 of this code

15.09.030 - Vacant and neglected vacant building.

A. "Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied or occupied by unauthorized persons. The definition includes without limitation, buildings or structures of any nature intended for human habitation, occupation or use and includes manufactured housing or mobile homes. A neglected vacant building is a vacant building which is not maintained in accordance with the provisions of this chapter.

B. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if:

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or

3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:

- a. Maintenance of landscaping and plant materials in good condition;
- b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;
- c. Regular removal of all exterior trash, debris and graffiti;
- d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;
- e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;

4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

It is unlawful for any person who owns, controls, or is the responsible agent for a vacant building to maintain, or cause or permit the maintenance of the vacant building as a neglected vacant building or in a neglected condition.

15.09.050 - Structural and building standards.

A. All vacant buildings shall be maintained in a structurally sound condition.

B. All electrical, natural gas, sanitary, and plumbing facilities shall be maintained in a condition which does not create a hazard to public health or safety.

15.09.060 - Fire safety standards.

A. All vacant buildings shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which may constitute a fire hazard.

B. No vacant building or portion thereof shall be used for the storage of hazardous, combustible or flammable liquids or other materials which would constitute a safety or fire hazard.

C. Heating facilities maintained in accordance with applicable codes. If heating equipment in a vacant buildings is to be disabled fuel supply shall be removed or terminated in accordance with applicable codes and ordinances and the water supply to the building turned off to prevent burst water pipes in freezing weather conditions.

D. The street address of the building shall be posted and shall be visible from the street.

15.09.07 - Security standards.

A. All vacant buildings shall be maintained in a way which secures it from any unauthorized entry.

B. The owner or responsible agent of a vacant building which has remained unoccupied for a period of more than thirty days and which has suffered from vandalism, broken windows, broken doors or which had an unauthorized entry must repairs such damage within 15 days of becoming aware of such damage. Alternately, the owner or responsible agent may provide security which is adequate to prevent further deterioration and/or unauthorized entry for a time period of up to 6 months. After 6 months the building must un-boarded and actively maintained and monitored as required in section 15.09.030 B.3 or payment of the quarterly monitoring fee described in section 15.09.120 shall be applied to the property.

Methods of securing the building or structure must meet or exceed the following minimum standards or equivalent standards as determined by the city building official.

1. Windows. Windows and similar openings shall be boarded with exterior grade plywood of minimum thickness three-fourths inch (to be consistent with door security standards) or its equivalent. Vent holes may be required, as deemed necessary by the building official. The plywood shall be secured in place, as a minimum standard, by a set of two Grade No. 2 Douglas fir two-by-four cross members set at two feet on center vertically, secured to the plywood by three-eighths-inch plated carriage bolts with large washers at each end. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two such cross members shall be used on each window. Each cross member shall be a continuous piece of lumber, and each should extend approximately one foot past the window opening in each direction unless interior condition limit such extension. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a purchase for pliers or pry bars. The nuts are to be located on the interior side of the structure.

2. Exterior Doors. There shall be at least one operable door into each building and into each unit of the building. If an existing door is operable but lacks an operable locking mechanism it may be used and secured with a suitable lock such as a hasp and minimum

1 two-inch case hardened padlock or a one-inch deadbolt or deadlatch with two and one-
2 half inch long # 8 screws in the strike-plate penetrating into the trimmer stud. If doors and
3 frame(s) have been damaged, the main exterior (required) residential exit door(s) and all
4 commercial exterior exit doors shall be boarded with exterior grade plywood of a minimum
5 thickness of three-fourths inch or its equivalent, fitted to the entry door jamb with maximum
6 one-eighth-inch clearance at each edge from the door jambs and threshold. The existing
7 door should be removed. The plywood shall, as a minimum standard, be attached to three
8 Grade No. 2 Douglas fir horizontal two-by-four wooden crossbars with two each three-
9 eighths-inch carriage bolts and matching hardware, with nuts located on the interior side
of the structure. The plywood shall be attached to the door entry with three case-hardened
strap hinges located at quarter points and the plywood shall be secured by two case-
hardened steel hasps located at third points on the strike side of the door and minimum
two-inch case-hardened padlock. Fasteners used to attach the door hasp and hinges shall
be the nonreversible type that do not give a purchase for pliers or pry bars. All other
unsecured residential doors providing exterior access shall be removed and be secured
in the same fashion as windows noted above.

10 3. Overhead garage doors shall be secured. Nailing the door to the jamb or nailing
11 pieces of two-by-four to the jamb is not acceptable. The overhead door shall be padlocked
12 with the existing garage lock or a newly installed one. In an attached garage it is
13 acceptable, as a minimum standard, to insert a piece of Grade No. 2 Douglas fir two-by-
14 four lumber through the overhead mechanism on the inside of the door. The two-by-four
15 shall be long enough to go through both sides of the mechanism or shall be nailed in place
on the inside so that it cannot fall out. Secondary garage entrances to the outside of the
garage shall be secured with strong-backed plywood as described for windows above.
Access doors between the house and attached garage need not be boarded. Detached
garages shall be secured as separate structures.

16 4. All materials used to cover and secure window door or other openings shall be
17 painted to match or complement the color of the main structure.

18 5. The property owner shall obtain a building permit for work done under this section and
19 an inspection of the work shall be performed by the city.

20 15.09.080 - Debris removal.

21 All vacant buildings including all adjoining yard areas shall be maintained free of debris,
22 combustible materials, litter and garbage.

23 15.09.090 - Appearance.

24 A. All vacant buildings must be maintained in a manner which minimizes the
25 appearance of vacancy, including the prompt removal of graffiti pursuant to chapter 12.24 of this
26 code.

27 B. All exterior surfaces, including any boarded windows or doors shall be applied with
28 sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a
sufficient appearance of repair. If the building is subject to an existing use permit all conditions
related to maintenance of the exterior of the structure or parcel on which the building is located
shall continue to be complied with including the maintenance of landscaping.

C. The exterior of the vacant building property, including all landscaping, shall be kept
in such condition as not to create the appearance of an unsecured, unoccupied structure or other

1 hazard to public safety. Grasses and weeds shall be cut to a height not to exceed 4" and dead
2 shrubs and trees removed.

3 D. Signage that no longer relate to the activities in the building shall be removed from
4 the site. Any remaining signage shall be maintained in a manner which minimizes the appearance
of vacancy.

5 15.09.100 - Quarterly monitoring fee.

6 A. Purpose. The quarterly monitoring fee will be used to finance the cost of
7 monitoring, inspection and enforcement related to this chapter and to secure buildings and abate
conditions on the property.

8 B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed
9 upon every owner of a neglected vacant building in violation of this chapter. The quarterly
10 monitoring fee is due within 30 days of notice that the building is vacant and in violation of this
11 chapter. The fee is due for every quarter upon which the building is vacant, even if the building is
12 only vacant part of the quarter. The owner will be billed at the beginning of each quarter while the
13 building is in violation of this chapter. The fee shall be payable as to any building, residential or
14 nonresidential, which the hearing board, as defined by chapter 8.32, determines to be in violation
of this chapter or has been boarded up for more than 6 months. Within 10 days of enrollment in
the vacant building monitoring program, the owner must place a sign in a visible area in the front
of the vacant building that indicates that the building has been enrolled in the city of Susanville's
vacant building monitoring program. The sign will be provided to the owner by the city upon
enrollment.

15 C. Notice and Procedures. The vacant building monitoring fee shall be billed to the
16 owner of the property. Notice shall be served either personally, by first class mail, or by certified
17 mail, addressed to the owner as the address appears on the last equalized assessment roll or as
18 known to the enforcement official. A hearing shall also be set with the hearing board as proscribed
19 in chapter 8.32.120 to allow the owner opportunity to contest enrollment into the vacant building
20 monitoring program. The hearing board may waive the fee and enrollment if the property owners
21 can show that that any of the conditions listed in section 15.09.030 B.3 are applicable to the
22 building or structure. The owner shall provide substantial evidence supporting the grounds for the
23 waiver. After conducting the hearing and finding that the property is subject to the vacant building
monitoring program, the hearing board shall direct that a bill be sent to the property owner with
the notice stating a violation of this chapter exists, setting forth the reasons for the decision and
that notice shall constitute enrollment in the vacant building monitoring program.

24 D. The owner of a vacant building shall not allow or cause any use of the property or
25 any buildings thereon unless the property owner has first corrected the violations which caused
26 placement into the program and has paid the required quarterly monitoring fee, as well as any
27 other penalties or fines owed to the city.

28 E. Within 15 days of the decision by the hearing board to bill for the vacant building
monitoring program fee, the city administrator or his/her designee shall file in the office of the
county recorder a notice that the building is subject to the vacant building monitoring program fee
and that upon transfer of the property the new owner shall have 90 days to bring the building or
structure into compliance.

1 F. Upon transfer or sale of a vacant building, the seller shall provide written
2 notification to the city administrator or his/her designee that the property has been transferred or
3 sold.

4 G. Any fees established pursuant to this chapter which are more than 30 days
5 delinquent, or not paid within 30 days after the decision of the hearing board has been mailed to
6 the owner, shall constitute an assessment against the property. The city may use all legally
7 available procedures to collect any unpaid fee including, but not limited to, collecting the unpaid
8 fee on the tax roll or recording a lien on the property, consistent with applicable law.

9 **Section 7.** Chapter 15.10 Abatement of dangerous buildings and structures is hereby added to
10 the Susanville Municipal code as follows:

11 15.10.010 Definition.

12 For purposes of this chapter "dangerous building" means any building falling within the
13 definition of "dangerous building" under the provisions of the California Building Code and 1997
14 Uniform Code for the Abatement of Dangerous Buildings, or within the definition of "substandard
15 building" under the provisions of the California Building Code, which, in addition thereto, presents
16 an immediate and imminent threat to public safety. Such threat may arise by virtue of numerous
17 circumstances such as, but not limited to, substantial risk of collapse or danger of fire.

18 15.10.020 Abatement—Informal procedures authorized.

19 This chapter contemplates situations arising where insufficient time exists, due to the
20 imminent threat to public safety, for due process notices and hearings to be held prior to
21 abatement action. Accordingly, whenever the city building official determines that a building is a
22 dangerous building, he or she shall contract for the abatement of the dangerous building by repair
23 or demolition. In awarding such contract, the building official need not obtain formal bids but may
24 award the contract on the basis of informal solicitations.

25 15.10.030 Abatement—Costs.

26 The costs and expenses of abatement of a dangerous building may be made a lien against
27 the property on which the dangerous building was located, a special assessment against said
28 parcel, and/or a personal obligation against the property owner through enforcement as a public
nuisance and after a hearing as provided for under Chapter 08.32.200 through 8.32.230 et seq.
of the City of Susanville Municipal Code as may be amended from time to time.

1 15.10.040 Scope.

2 This chapter shall apply and govern in those situations where insufficient time exists due
3 to imminent threat of substantial danger to the public health, safety and welfare to invoke the
4 procedures of notice and hearing provided for in the California Building Code, Uniform Housing
5 Code, Uniform Code for the Abatement of Dangerous Buildings, and other provisions of law as
6 adopted by the City of Susanville Municipal Code.

7 15.10.050 Definition.

8 The term "dangerous structure" as used in this chapter means any building which is
9 considered "unsafe" under the criteria of the California Building Code, "dangerous" under the
10 criteria of the Uniform Code for the Abatement of Dangerous Buildings, or "substandard" under
11 the criteria of the Uniform Housing Code and which, in addition thereto, presents an imminent
12 threat of substantial danger to public health, safety and welfare. The term "dangerous structure"
13 also means any other structure, whether man-made or a condition of nature, which presents an
14 imminent threat of substantial danger to public health, safety and welfare. Such threat may be

1 presented by, but is not limited to, situations where a structure, or some part thereof, is likely to
2 collapse onto a public street or sidewalk or where it presents an extreme fire hazard. Any structure
3 falling within the definition of "dangerous structure" under is declared a public nuisance.

4 15.10.060 Determination of condition—Order of abatement.

5 The city administrator, with the advice of the building official and such other persons he or
6 she chooses to consult, shall make the determination whether a structure constitutes a
7 "dangerous structure" as hereinabove defined. As an exception to this procedure, the building
8 official is hereby authorized to make said determination in those circumstances where, in his sole
9 discretion, he concludes that an emergency situation exists requiring immediate abatement and
10 that delay to consult with the city administrator would cause substantial risk to public health, safety
11 and welfare. Summary abatement, without the necessity of prior notification to anyone other than
12 occupants of the structure, may be immediately ordered by the city administrator or the building
13 official, whichever has made the determination that a dangerous structure exists. In the event the
14 building official has made the determination and ordered summary abatement, he shall
15 immediately thereafter report to the city administrator as to the situation. If summary abatement
16 is to be accomplished by contract, the building official need not obtain formal bids but may award
17 the contract on the basis of informal solicitations.

18 15.10.070 Effect on existing law.

19 Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any
20 power or authority for ordering summary abatement of dangerous and hazardous conditions
21 invested in the City of Susanville fire chief under the California Fire Code or other provisions of
22 law.

23 **Section 8.** The City Clerk shall, within fifteen days after its passage, cause this Ordinance to be
24 published at least once in the Lassen County Times, an adjudicated newspaper of general
25 circulation, published and circulated within the City.

26 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
27 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
28 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
29 declared that this Ordinance and each section, subsection, clause and phrase hereof would have
30 been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or
31 more other sections, subsections, sentences, clause or phrases be declared invalid or
32 unconstitutional.

33 **Section 10.** This Ordinance shall take effect upon the thirty-first day after its final passage.

34 APPROVED: _____

Kathie Garnier, Mayor

35 ATTEST: _____

Gwenna MacDonald /City Clerk

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The foregoing Ordinance No. 17-1011 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 7th day of June 2017 by the following vote:

AYES:	Franco, Schuster, Wilson, Stafford and Garnier
NOES:	None
ABSENT:	None
ABSTAINING:	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney

CITY OF SUSANVILLE
EXHIBIT 'C'

☒ 2 Property Address: 67 S WEATHERLOW ST

Ownership

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **103-330-17-11**
 Parcel Status: **ACTIVE**
 Owner Name: **ZIMMERMANN ROLAND B & JOANNA JT**
 Mailing Address: **459-680 LAKE VIEW DR JANESVILLE CA 96114**
 Legal Description:

Assessment

Total Value:	\$66,845	Use Code:	C1CE	Use Type:	COMMERCIAL
Land Value:	\$20,764	Tax Rate Area:	001-033	Zoning:	
Impr Value:	\$46,081	Year Assd:	2019	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	68%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

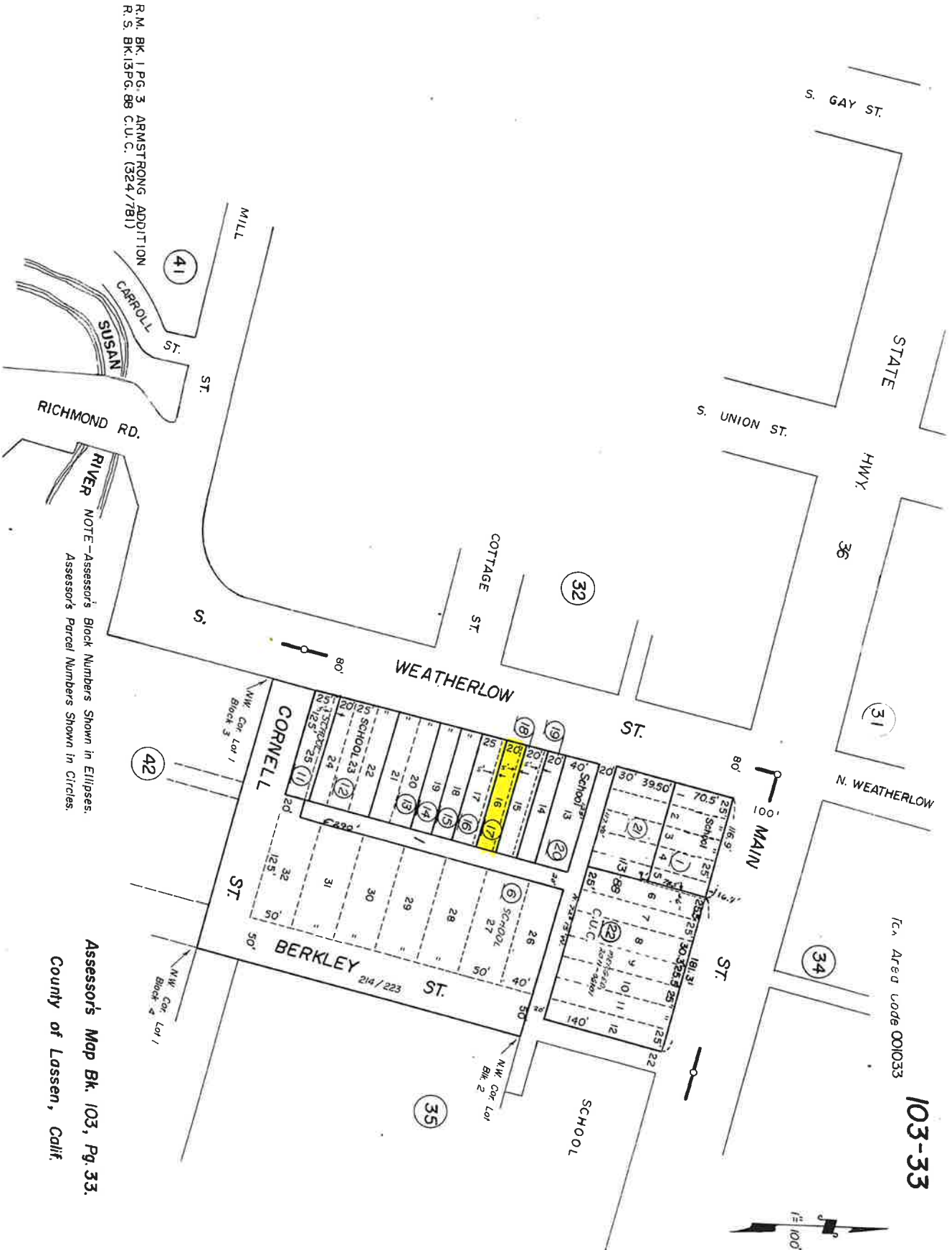
Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	08/24/2015	10/18/2002	03/20/2002	08/24/2015
Document Number:	2015-03845	2002-07994	2002-02068	2015-03845
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	5	Fireplace:	Units:	1
Baths (Full):	2	A/C:	Stories:	
Baths (Half):		Heating:	Quality:	
Total Rooms:		Pool:	Building Class:	
Bldg/Liv Area:	1,633	Park Type:	Condition:	
Lot Acres:	0.062	Spaces:	1 Site Influence:	
Lot SqFt:	2,704	Garage SqFt:	Timber Preserve:	
Year Built:			Ag Preserve:	
Effective Year:	1935			

Acreage listed is prepared and checked
with available information and is for
Assessor's Office use only.



Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	Notification of Nuisance 1. Manner Served: FIRST CLASS MAIL 2. Served On: ROLAND & JOANNA ZIMMERMAN 3. Date of Service: FEBRUARY 7, 2022 4. Compliance Deadline Stated in Notice: MARCH 15, 2022	10 OK	34 OK	2-7-22 OK	3-15-22 OK	3-29-22 OK
2	Notice of Intent to Abate and Notice of Public Hearing 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: MARCH 29, 2022 3. Compliance Deadline Stated in Notice (abatement period expiration date): APRIL 8, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): APRIL 26, 2022 5. Date Notice Posted at Property: MARCH 29, 2022 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: MARCH 29, 2022	20 OK	28 OK	3-29-22 OK	4-8-22 OK	4-26-22 OK
3	Nuisance Abatement Hearing 1. Date of Hearing: APRIL 26, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	10 Days from Compliance OK	10 OK	4-8-22 OK	4-26-22 OK	5-1-22 OK
4	Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance 1. Planning Commission decides if a public nuisance exists or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	5 OK				
5	Appeal Abatement Order 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Tenant ☐ Yes or ☒ No

Phone No.:

Owner's Name:

Roland & Joanna Zimmerman

Vacant - property owner

Address: *697 S. Weatherlow St.*

CITY OF SUSANVILLE
EXHIBIT 'D'



**Susanville Fire
Department**

Station: **1**
Shifts Or Platoon: **C Shift**

Location: 67 S Weatherlow ST Susanville CA 96130	Incident Type: 111 - Building fire
Lat/Long: N 40° 25' 0.46" W 120° 39' 30.63"	FDID: 18035 Incident #: 2020-558 Exposure ID: 48606342 Exposure #: 0 Incident Date: 05/24/2020 Dispatch Run #: 2020-2613
Zone: 1 - Within City Limits Location Type: 1 - Street address	

Report Completed by:	Hernandez , Tom	ID: 605	Date: 06/09/2020
Report Reviewed by:	Weaver , Dan	ID:	Date: 06/09/2020
Report Printed by:	Arredondo, Jolene	ID:	Date: 2/8/2022 Time: 15:05

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling
Automatic Extinguishment System Present: ☐	Detectors Present: ☐ Cause of Ignition: Unintentional
Aid Given or Received: Automatic aid received	Primary action taken: 11 - Extinguishment by fire service personnel
Additional actions: 12 - Salvage & overhaul , -	
Losses	Pre-Incident Values
Property:	Property:
Contents:	Contents:
Total:	Total:
Civilian Injuries: 0	Fire Service Injuries: 0
Civilian Fatalities: 0	Fire Service Fatalities: 0
Total Casualties: 0	Total Fire Service Casualties: 0
Total # of apparatus on call: 3	Total # of personnel on call: 7

Special Studies	
COVID 19 was a factor in this incident.	No, COVID 19 was not a factor.

NARRATIVE (1)

Narrative Title: Structure fire, residential

Narrative Author: Hernandez, Tom

Narrative Date: 06/03/2020 21:03:20

Narrative Apparatus ID: E-623

Narrative:

On 5-24-2020 at approximately 0215 E-623, T-1, C-601 dispatched to 66 S. Weatherlow Street for a report of a residential structure fire. Upon arrival of E-623 the correct address was to be 69 S.Weatherlow, 67 S.Weatherlow, and 71 S.Weatherlow were all involved in the residential structure fire. E-623 Captain became the IC for the incident. Upon arrival of E-623 and update of the structure fully involved and included 2 more residential structures. At this time 3 more type 1 fire engines were requested.

E-623 crew deployed a 2.5 inch pre-connect and a 1.75 inch pre-connect to aid in cooling/extinguishing the fire. The master stream from E-623 was also utilized to cool down the fire.

B-2216 along with E-2261 arrived on scene and was assigned to the C-side of the residents to aid in extinguishing the fire. B-2216 was assigned Division C. E-5210 arrived on scene and was assigned to division C. T-1 arrived on scene and was assigned to 71 S .Weatherlow Street. T-1 crew was able to make entry into the residence and keep it from becoming fully involved. E-223 arrived on scene and was assigned to assist E-623 crew with 69 S. Weatherlow Street. The 2 crews were able to make entry once the flames were knocked down. Salvage and overhaul was performed and fire was fully extinguished on 69 S.Weatherlow Street. E-324 arrived on scene and was assigned to assist T-1 crew with salvage and overhaul on 71 S.Weatherlow Street. 71 S.Weatherlow received minor damage to the exterior of the residence and some3 minor damage to the roof. T-1 crew made entry to the attic on 71 S.Weatherlow Street and extinguished some embers that were developing in the attic. E-223 crew along with E-5210 made entry to 67 S.Weatherlow Street and extinguished the fire that was inside the residence.

Once the fire was extinguished the investigation was performed. C-601 spoke to the occupants of all 3 residence. The occupants in 69 S. Weatherlow Streetstated that they were renting the basement. The upper level was unoccupied. They stated that they had a roommate that wood like to leave candles burning in his room and that is what may have caused the fire. 2 witnesses stated that they saw the fire on the balcony in the rear of the residence. The residence where the fire started had electricity but no natural gas. 67 S. Weatherlow Street was unoccupied at the time of the fire. The rear of the residence where of 69 S. Weatherlow Street Street the fire started was a complete loss. A Lassen County Sheriff's officer stated he saw a SUV leaving the area 2-3 minutes prior to the fire. The residence at 67 S. Weatherlow Street and 71 S. Weatherlow Street were awoken at the time of the fire and saw the upper deck area engulfed in flames of 69 S.Weatherlow Street. All units on scene were released and returned quarters.

Captain Hernandez 605

APPARATUS

Unit	E-623	Unit	T-1
Type:	Engine	Type:	Truck or aerial
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	3	# of People	3
Alarm	05 /24/2020 02:16:11	Alarm	05 /24/2020 02:16:11
Dispatched	05 /24/2020 02:16:11	Dispatched	05 /24/2020 02:16:11
Enroute	05 /24/2020 02:21:58	Enroute	05 /24/2020 02:41:51
Arrived	05 /24/2020 02:23:00	Arrived	05 /24/2020 02:43:50
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	05 /24/2020 06:45:46	Cleared Scene	05 /24/2020 06:42:09
In Quarters	-- / -- / -- -- : -- : --	In Quarters	-- / -- / -- -- : -- : --
In Service	05 /24/2020 06:45:46	In Service	05 /24/2020 06:45:04
Unit	C-601		
Type:	Chief officer car		
Use:	Other		
Response Mode:	Lights and Sirens		
# of People	1		
Alarm	05 /24/2020 02:16:11		
Dispatched	05 /24/2020 02:16:11		
Enroute	05 /24/2020 02:23:15		
Arrived	05 /24/2020 02:31:30		
Cancelled	-- / -- / -- -- : -- : --		
Cleared Scene	05 /24/2020 06:45:48		
In Quarters	-- / -- / -- -- : -- : --		
In Service	05 /24/2020 06:45:48		
Number Of People not on apparatus: 0			

FIRE

Acres Burned	None or Less Than One	Acres Burn From Wildland Form	False
Area Of Fire Origin	Vehicle storage area; garage, carport	Heat Source	Undetermined
Item First Ignited	Exterior sidewall covering, surface, finish	Fire Is Confined To Object Of Origin	
Type Of Material	Fabric, fiber, cotton, blends, rayon, wool	Cause Of Ignition	Unintentional
Factor Contributing To Ignition	Abandoned or discarded materials or products		
Human Factors Contributing	None		

STRUCTURE FIRE

Structure Type	Enclosed building	Building Status	In normal use
# Of Stories At Above Grade	1	# Of Stories Below Grade	1
Square Feet	1200	Length	
Width		Floor Of Origin	1 (Below grade)
Fire Spread	Beyond building of origin	Significant Damage	0
Minor Damage	0	Extreme Damage	0
Heavy Damage	2	Type Of Material Contributing Most To Spread	Sawn wood, including all finished lumber
Item Contributing Most To Spread	Exterior sidewall covering, surface, finish		

CUSTOM FIELDS FORM

CQI Performed on Incident	No
Was this a toned Out	Yes
BLS Only	No
COVID-19 Exposure?	No
Billable Incident?	No
Transient Involved?	No

INCIDENT IMAGES

Incident Report
Date: 10/10/2018
Time: 14:30
Location: 1234 Main St, Springfield, IL 62761
Incident Type: Fire
Incident Description: A fire broke out in the kitchen of a small business located at 1234 Main St. The fire was contained to the kitchen area and did not spread to other parts of the building. The fire was extinguished by the Springfield Fire Department. The cause of the fire is under investigation.



PERSONNEL ON CALL

Name	Personnel Rank	Role(s)	Apparatus
Bates, Jr., Paul	Volunteer		E-623
Hernandez, Tom	Captain		E-623
Jarrett, Andrew	Firefighter		E-623
Jones, Mark	Volunteer		T-1
McBride, Nicholas	Volunteer		T-1
Myers, Leon Curtis Earl	Engineer		T-1
Weaver, Dan	Assistant Chief		C-601

Member Making Report (Captain Tom Hernandez): _____

Incident Reviewer (Assistant Chief Dan Weaver): _____

CITY OF SUSANVILLE
EXHIBIT 'E'

City of Susanville

Proof of Service

[Non-judicial Action]

On FEBRUARY 7, 2022 (date), I served the foregoing document(s) described as:

NOTICE OF VIOLATION

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

ROLAND + JENNIFER ZIMMERMAN

28417 Redwood Highway

CAVE Junction OR

97523

☒ (By U.S. Mail) I deposited such envelope in the mail at

SUSANVILLE

(city where documents were mailed from), California with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be delivered by hand.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 2-7-22

CODY LOFCW

Printed Name of Person Serving Documents

Cody Lofcw

Signature of Person Serving Documents

City of Susanville

6 North Lassen Street • Susanville, CA 96130-3904



Roland + Joanna Zimmerman
28417 Redwood Hwy
Cave Junction, OR

97523



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



Roland + Joanna Zimmerman
28417 Redwood Hwy
Cave Junction, OR

97523

City of Susanville
Proof of Service
[Non-judicial Action]

On FEBRUARY 7, 2022 (date), I served the foregoing document(s) described as:

NOTICE OF VIOLATION

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

ROLAND + JAWNA ZIMMERMAN

28417 REDWOOD HIGHWAY

CAVE JUNCTION OR

97523

☒ (By U.S. Mail) I deposited such envelope in the mail at

SUSANVILLE (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
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number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 2-7-22

CODY LOFEN
Printed Name of Person Serving Documents

Cody Lofen
Signature of Person Serving Documents



City of Susanville

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

Notice of Violation in Lieu of Administrative Citation Declared Dangerous Building and Public Nuisance

February 7, 2022

Roland & Joanna Zimmerman
28417 Redwood Highway
Cave Junction, OR 97523

RE : 67 South Weatherlow Street, Susanville, CA 96130 [APN :103-330-017-000]

To Roland & Joanna Zimmerman:

The City of Susanville has declared the above-mentioned building as a Dangerous Building pursuant to the California Building Code and the Uniformed Code for the Abatement of Dangerous Buildings 1997. Dangerous Buildings pose a serious threat to the public safety and welfare. Furthermore, the Municipal Code of the City of Susanville declares all dangerous buildings to be a public nuisance.

The City of Susanville has attempted numerous times to gain voluntary compliance to abate this public nuisance and to cease and desist the allowance of a dangerous building to exist upon the land of said property. [June 1, 2020 & December 16, 2020] This building is a danger to the public health, safety and welfare of the community, and is a public nuisance.

Due to the non-compliance of previous attempts to remedy this public nuisance, the City of Susanville has issued this Notice of Violation in Lieu of Administrative Citation. You are hereby directed to begin abating said structure and to obtain all necessary building or demolition permits by March 15, 2022. The penalty for non-compliance of this directive will be the assessment of a fine in the amount of \$100 for each day there is a public nuisance upon this property. The assessment of this fine will begin on March 15, 2022.

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisance described herein by September 30, 2022.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

Based on a current site inspection on February 7, 2022, of the property located at 67 South Weatherlow Street, the following violations were observed:

- 8.52.030(M) SMC: Maintain Public Nuisance / Dangerous Building

Pursuant to Section 8.32.060 of the Susanville Municipal Code you are hereby directed to abate the nuisances described herein by March 15, 2022.

Section 8.52.030 Susanville Municipal Code :

The following acts and conditions, when performed or existing upon any lot or parcel of land within the city, are declared unlawful and are defined as and declared to be a public nuisance which are injurious or potentially injurious to the public health, safety, and welfare, which have a tendency to degrade the appearance and property values of surrounding property and/or which cause damage to public right-of-way:

(M): Maintenance of buildings, structures or premises in such conditions 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 California Civil Code Section 3480 or other applicable law.

Actions to Correct Violations:

1. Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building.
2. Provide the City of Susanville with a plan for the rehabilitation or demolition of 67 South Weatherlow Street, Susanville, California.
3. Secure and screen building from public view
4. Correct any other violation of the Susanville Municipal Code and California State Law
5. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated by March 15, 2022, which provides no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.36, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer



City of Susanville

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

Notice of Violation in Lieu of Administrative Citation Declared Dangerous Building and Public Nuisance

February 7, 2022

Roland & Joanna Zimmerman
28417 Redwood Highway
Cave Junction, OR 97523

RE : 67 South Weatherlow Street, Susanville, CA 96130 [APN :103-330-017-000]

To Roland & Joanna Zimmerman:

The City of Susanville has declared the above-mentioned building as a Dangerous Building pursuant to the California Building Code and the Uniformed Code for the Abatement of Dangerous Buildings 1997. Dangerous Buildings pose a serious threat to the public safety and welfare. Furthermore, the Municipal Code of the City of Susanville declares all dangerous buildings to be a public nuisance.

The City of Susanville has attempted numerous times to gain voluntary compliance to abate this public nuisance and to cease and desist the allowance of a dangerous building to exist upon the land of said property. [June 1, 2020 & December 16, 2020] This building is a danger to the public health, safety and welfare of the community, and is a public nuisance.

Due to the non-compliance of previous attempts to remedy this public nuisance, the City of Susanville has issued this Notice of Violation in Lieu of Administrative Citation. You are hereby directed to begin abating said structure and to obtain all necessary building or demolition permits by March 15, 2022. The penalty for non-compliance of this directive will be the assessment of a fine in the amount of \$100 for each day there is a public nuisance upon this property. The assessment of this fine will begin on March 15, 2022.

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Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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Section 8.52.030 Susanville Municipal Code :

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2. Provide the City of Susanville with a plan for the rehabilitation or demolition of 67 South Weatherlow Street, Susanville, California.
3. Secure and screen building from public view
4. Correct any other violation of the Susanville Municipal Code and California State Law
5. Have no other violations of the Susanville Municipal Code in the next 12 months.

Timeline:

- All public nuisances shall be abated by March 15, 2022, which provides no less than 10 days from the date of the mailing of this notice. [Section 8.32.060]
- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.36, Chapter 8.40].

The City of Susanville appreciates your cooperation regarding this issue as stated above. If you have questions regarding this letter, please contact Cody Loflin, City of Susanville Code Enforcement Officer at (530) 260-6099.

Respectfully,



Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE
EXHIBIT 'F'

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <i>S Morgan</i> ☒ Agent ☐ Addressee B. Received by (Printed Name) <i>S MORGAN</i> C. Date of Delivery <i>3/31/22</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
1. Article Addressed to: <i>Roland + Joann Zimmerman</i> <i>459-680 Lakeview Dr</i> <i>Janesville CA 96114</i>  9590 9402 5619 9274 8114 78	3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500) ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label) <i>7019 1640 0002 0101 3300</i>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

7019 1640 0002 0101 3300

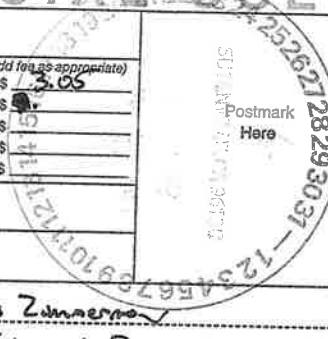
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ <i>3.45</i>
Extra Services & Fees (check box, add fees as appropriate)	
☒ Return Receipt (hardcopy)	\$ <i>3.05</i>
☒ Return Receipt (electronic)	\$ <i>0.00</i>
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$ <i>1.76</i>
Total Postage and Fees	\$ <i>8.52</i>

Sent To *Roland + Joann Zimmerman*
Street and Apt. No., or PO Box No. *459-680 Lakeview Dr*
City, State, ZIP+4® *Janesville CA 96114*



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

City of Susanville
Proof of Service
[Non-judicial Action]

On March 29, 2022 (date), I served the foregoing document(s) described as:

Notice of Intent to Abate & Notice of Public Hearing
Ordinance No. 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Boland + Joanna Zimmerman
459-680 Lakewood Dr.
Janesville CA 96114

Physical Posting.
67 S. Weatherlow St.
Susanville CA 96130

[☒] (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

[☐] (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

[☒] (By Physical Posting) I posted ~~an original or~~ copy of the original document or letter in a
conspicuous location on the property at 67 S. Weatherlow St, Susanville, Lassen, California.

[☐] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 3.29.22

Cody Loftin
Printed Name of Person Serving Documents

Cody Loftin
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

March 29, 2022

Roland & Joanna Zimmerman
459-680 Lakeview Dr.
Janesville, CA 96114

RE: 67 South Weatherlow Street (APN: 103-330-017-000)
Susanville, CA 96130
Code Enforcement Case # CE2020-002

Dear Roland & Joanna Zimmerman:

On February 7, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated February 7, 2022, declared a public nuisance upon the property of 67 South Weatherlow Street and ordered you to abate the nuisance by March 15, 2022.

The City of Susanville has requested your compliance in this matter and served notice on you, by mail, with letters dated June 1, 2020, December 16, 2020, and February 7, 2022. This letter dated March 29, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 67 South Weatherlow Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **April 8, 2022**, the City of Susanville will seek a Nuisance Abatement Order. The Planning Commission is tasked as the hearing board for the City of Susanville and will hold a **Public Hearing on Tuesday April 26, 2022, at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** to hear evidence about the alleged nuisance on the property at 67 South Weatherlow Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 67 South Weatherlow Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Tuesday April 26, 2022 at 6:30 p.m.** in the **Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** and present your information to the Planning Commission.

If the nuisance is not abated by **April 8, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

The City of Susanville Municipal Code Chapter 8.52 sets minimum maintenance standards with respect to all structures on a property, fences, landscaping, and on-site storage. Under this ordinance every owner, lessee, occupant, or person having charge or control of buildings, structures or property within the city is required to maintain the buildings, structures, or property in a manner so as not to violation the provisions of the chapter. Violations may be the responsibility of the owner, renter or leaseholder depending on the type of violation. The duty imposed by this section on an owner shall in no instance relieve renters or leaseholder form their duty to maintain certain aspects of the property.

Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 67 South Weatherlow Street the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(5) | SMC: Maintain Dangerous Building pursuant to Ch. 15.10 SMC |
| • 8.32.050 (C)(2) | SMC: Contribute to diminution in the value of surrounding properties |
| • 8.32.050 (C)(4) | SMC: Violation of Chapter 8.52 Property Maintenance |
| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building
- Secure and screen building from public view
- Actively work on demolition of building or the rehabilitation of building
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Tuesday April 26, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **April 8, 2022**.

Please note that the intent to abate public nuisances upon the property of 67 South Weatherlow Street does not release the property owner from the obligation of any other proceedings or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099

City of Susanville

Proof of Service

[Non-judicial Action]

On March 29, 2022 (date), I served the foregoing document(s) described as:

Notice of Intent to Abate & Notice of Public Hearing
Ordinance No. 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Roland + Joanna Zimmerman
28417 Redwood Hwy.
Cave Junction OR
97523

☒ (By U.S. Mail) I deposited such envelope in the mail at
Susanville (city where documents were mailed from), California
with postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of deposit for
mailing in affidavit.

☐ (By Personal Service) I caused such envelope containing an original or copy of the original to be
delivered by hand.

☐ (By Physical Posting) I posted an original or copy of the original document or letter in a
conspicuous location on the property at _____.

☐ (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the
number(s) listed above. Said transmission was reported complete and without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and
correct.

DATED: 3-29-22

Cody LoFlin
Printed Name of Person Serving Documents

Cody LoFlin
Signature of Person Serving Documents



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF INTENTION TO ABATE PUBLIC NUISANCE & NOTICE OF PUBLIC HEARING

(Susanville Municipal Code § 8.32.090)

March 29, 2022

Roland & Joanna Zimmerman
28417 Redwood Highway
Cave Junction, OR 97523

RE: 67 South Weatherlow Street (APN: 103-330-017-000)
Susanville, CA 96130
Code Enforcement Case # CE2020-002

Dear Roland & Joanna Zimmerman:

On February 7, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated February 7, 2022, declared a public nuisance upon the property of 67 South Weatherlow Street and ordered you to abate the nuisance by March 15, 2022.

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If the nuisance is not abated by **April 8, 2022**, the City of Susanville may still pursue any remedy legally available, including but not limited to, the additional assessment of fines and penalties, civil or criminal action, abating the nuisance, assessing fees and fines for the cost of abating the nuisance and taking whatever legal steps deemed appropriate to collect the assessed fines and fees.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

The City of Susanville Property Maintenance Ordinance (Ordinance No. 17-1011)

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Susanville Municipal Code § 8.32.040 states the following, “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.”

Based on a current inspection of your property at 67 South Weatherlow Street the following violations of the Susanville Municipal Code were noticed:

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| • 8.52.030 (E) | SMC: Property Maintenance – Trash/Rubbish/Debris, etc. |
| • 8.52.030 (M) | SMC: Property Maintenance – Detrimental to public health/welfare/safety |

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of the building or for the rehabilitation of the building
- Secure and screen building from public view
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- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Tuesday April 26, 2022, at 6:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **April 8, 2022**.

Please note that the intent to abate public nuisances upon the property of 67 South Weatherlow Street does not release the property owner from the obligation of any other proceedings or the accrual of any other fines or assessments levied against the property owner.

If you have any questions, please contact the Building Division of the City of Susanville at (530) 252-5118.

Respectfully,



Cody Loflin
Code Enforcement Officer
(530) 260-6099



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 67 South Weatherlow Street

The Public Hearing will be held on Tuesday April 26, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Wednesday, April 20, 2022, for Planning Commission review.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

www.cityofsusanville.org



City of Susanville

(530) 252-5100 • 66 North Lassen Street • Susanville, CA 96130-3904

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Susanville will conduct a Public Hearing pursuant to Susanville Municipal Code Chapter 8.32 to solicit comments regarding the issuance of an order to abate public nuisances at the following locations:

- 63 South Weatherlow Street
- 67 South Weatherlow Street
- 1540 Main Street

The Public Hearing will be held on Tuesday April 26, 2022, at 6:30 P.M. (or as soon thereafter as the agenda permits) in the Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California. The public is invited to attend and provide oral and/or written comments. Written comments must be received prior to 4:00 P.M. Wednesday, April 20, 2022, for Planning Commission review.

Mendy Schuster – Mayor | Brian Moore – Mayor Pro Tem | Kevin Stafford, Quincy McCourt, Thomas Herrera
Susanville City Council

Wayne Jambois – Chairperson | Melanie Westbrook – Vice Chairperson | Rod DeBoer, Linda Robinette, Jeremiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE
EXHIBIT 'G'

EXHIBIT 'G'

Photographs from March 29, 2022, of where the Notice of Intention to Abate and Notice of Public Hearing was posted at 67 South Weatherlow Street.

Photographs will not be printed but will be projected upon the display screen.

CITY OF SUSANVILLE
EXHIBIT 'H'



City of Susanville

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

December 16, 2020

Roland & Joanna Zimmerman
459-680 Lake View Drive
Janesville, CA 96114

RE: 67 S Weatherlow St.- Burned Building
APN: 103-330-17-11

To who it may concern;

This letter is to inform you that the City of Susanville appreciates your efforts securing your property/building at the above-mentioned address. Specifically, the City would like to thank you for boarding up the windows and securing the rear of the property with a fence. However, the City of Susanville is still considering the building dangerous and a public nuisance.

The City of Susanville is considering your burned building a "Dangerous Building" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Based on such, the building has deemed to be a public safety hazard. Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to abate the damaged building. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

"The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

You have 30 days upon receipt of this letter to notify the City Planner or City Building Inspector of your intentions moving forward. You may either demolish the building with the proper permits and inspections from the Building Department (asbestos and lead paint inspections included), or you may choose to remodel/rehab the existing building. The City of Susanville is actively pursuing the other damaged buildings along Weatherlow as well. If you have questions regarding this letter, please contact Dow Davis, Building Inspector, or Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra



City of Susanville

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

June 1, 2020

Roland & Joanna Zimmerman
459-680 Lake View Drive
Janesville, CA 96114

RE: 67 S Weatherlow St. Burned Building
APN: 103-330-17

To who it may concern;

This letter is to inform you that the City of Susanville appreciates your efforts securing your property/building at the above-mentioned address. Specifically, the City would like to thank you for boarding up the windows on the existing building in such as timely manner. As you are aware, the rear of the building is still not secured and is now considered a risk to public health and safety. We ask that you secure the rear of the property (with a fence, chain link or solid construction of at least 6 feet in height) to prevent people from accessing the property and possibly inside of dangerous building.

The City of Susanville is considering your burned building a "Dangerous Building" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Based on such, the building has deemed to be a public safety hazard. Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

"The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Again, we appreciate your continued cooperation regarding this issue. If you have any questions please contact Dow Davis, Interim Building Inspector, or Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Vacant

CITY OF SUSANVILLE
EXHIBIT 'I'

EXHIBIT 'I'

Case Photographs of CE#2020-002

Photographs will not be printed but will be projected upon the display screen.

CITY OF SUSANVILLE
EXHIBIT 'J'

Attorney for: Petitioner/City of Susanville

Nuisance Abatement Order

Hearing: April 26, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 1-

- i. Cody Loflin, Code Enforcement Officer for the City of Susanville and P.J. Van Ert, (appeared via Zoom) City Attorney for the City of Susanville representing the City of Susanville and
- ii. **Property Owner* representing himself.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "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."
2. Roland and Joanna Zimmerman are the owners of and responsible party for the property located at 67 South Weatherlow Street.
3. Roland and Joanna Zimmerman were properly served with a Notice of Violation on June 1, 2020, December 16, 2020, and February 7, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Roland and Joanna Zimmerman were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said notice was properly posted at 67 South Weatherlow Street on March 29, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 67 South Weatherlow Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Roland and Joanna Zimmerman must abate the public nuisance at 67 South Weatherlow Street by doing the following at 67 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty

- 1 (30) days from the date of this order and shall be completed no later than sixty
2 (60) days from this order.
- 3 b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds
4 from the property that had accumulated prior to and as a result of demolition
5 activities. Must be completed no later than 11:59 pm on June 25, 2022.
- 6 c. To protect general public safety, at minimum a fence must be installed along the
7 property line parallel to South Weatherlow Street, to protect the general public
8 from a fall hazard, and must be maintained while in possession of this property.
9 Fence must be installed no later than 10 days from the date the building is
10 demolished.
- 11 d. Roland and Joanna Zimmerman must remove the hazardous tree from the rear of
12 the property. This tree was damaged due to the structure fire and is a public safety
13 hazard and public nuisance. This nuisance must be abated by 11:59 pm on May 26,
14 2022.
- 15 2. Roland and Joanna Zimmerman must fully abate this public nuisance no later than June
16 25, 2022.
- 17 3. Roland and Joanna Zimmerman must obtain any and all required permits that may be
18 required to abate the public nuisance at 67 South Weatherlow Street.
- 19 4. After Roland and Joanna Zimmerman abates the nuisance at 67 South Weatherlow Street,
20 Roland and Joanna Zimmerman must contact the Building and Planning Department at
21 the City of Susanville and request that an official at the City of Susanville inspect the
22 condition of the property and buildings at 67 South Weatherlow Street to determine if the
23 public nuisance was abated.
- 24 5. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
25 Weatherlow Street by 11:59 pm on June 25, 2022, the City of Susanville may have the
26 property at 67 South Weatherlow Street abated.
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- 1 6. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
2 Weatherlow Street by 11:59 pm on June 25, 2022, an administrative penalty pursuant to
3 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
- 4 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
5 with.
 - 6 b. Effective from February 7, 2022
 - 7 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
8 costs and interest.
 - 9 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 10 7. All costs of the City's abatement efforts, including the abatement work and administrative
11 time to investigate and to hear and effect the abatement shall be charged against Roland
12 and Joanna Zimmerman as a personal debt or may be assessed upon 67 South Weatherlow
13 Street and will constitute a lien or special assessment upon the property until paid.
- 14 8. This Order shall be effective for one year after issuance. During such period, the hearing
15 board shall retain jurisdiction over the conditions of the building, structure or property
16 which constituted the nuisance established by this Order, as well as the abatement
17 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
18 property is maintained in such a manner so as not to create a nuisance. If, during this one-
19 year period, any enforcement official determines that the same or another nuisance, as
20 defined by this chapter exists with respect to the building, structure or property, he or she
21 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
22 Susanville Municipal Code. If Roland and Joanna Zimmerman do not abate the nuisance at
23 any time within the abatement period, the City may proceed with the abatement itself
24 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
25 further action of the hearing board. The City of Susanville may also recover all of its
26 abatement effort costs as provided for in the City of Susanville Municipal Code.
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Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

DRAFT

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

AGENDA ITEM NO. 5.A
Discussion Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 12, 2022

SUBJECT: Informational Presentation on Nuisance Abatement Orders

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: Provide a discussion opportunity for Planning Commission to discuss Susanville Municipal Code Chapter 8.32 Administrative Nuisance Abatement. Code Enforcement has been working several cases that have exhausted other methods of enforcement and forced compliance. It is necessary to move through the process of abating known public nuisances. The City of Susanville has drafted Chapter 8.32 to address the escalation in enforcement activity needed to compel property owners to abate nuisances or for the allowance of the City of Susanville to take on the responsibility of abating public nuisances through the securement of an Abatement and Inspection Warrant.

FISCAL IMPACT: None.

ACTION REQUESTED: Information Only.

ATTACHMENTS: