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

Susanville Planning Commission
Regular Planning Commission Meeting • City Council Chambers 66
N. Lassen Street, Susanville, CA 96130
Tuesday, May 24, 2022 - 6:30 PM

CALL TO ORDER
ROLL CALL

1. APPROVAL OF AGENDA:

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

4. PUBLIC HEARINGS:

4.A [Use Permit #2022-006, Cashman Equipment Company](#)

4.B [Variance #2022-004, Zarick](#)

4.C [ConsiderÂ Resolution No. 22-1105,Â approving the issuance of a Nuisance Abatement Order for 509 Woodside Way](#)

4.D [ConsiderÂ Resolution No. 22-1106,Â approving the issuance of a Nuisance Abatement Order for 1502 Cornell Street](#)

4.E [ConsiderÂ Resolution No. 22-1107,Â approving the issuance of a Nuisance Abatement Order for 2440 Main Street](#)

4.F [ConsiderÂ Resolution No. 22-1108,Â approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane](#)

5. NEW BUSINESS:

6. CORRESPONDENCE:

7. COUNTY REFERRALS:

8. ADJOURNMENT:

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

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

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

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: May 24, 2022

SUBJECT: Use Permit #2022-006, Cashman Equipment Company

PRESENTED BY: Kelly Mumper

SUMMARY:

UP#2022-006, CASHMAN EQUIPMENT CO. (CAT). The applicant is requesting a Use Permit to allow for a tractor equipment rental business located at 3020 Riverside Drive, in Susanville CA. The subject parcel, Assessors Parcel Number (APN) 116-040-045-000, for the proposed use is currently vacant and approximately a half-acre. The subject parcel is zoned C-2 (General Commercial Shopping Center Zoning District) and has a land use designation of *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010*. The proposed use is allowed by first securing a Use Permit pursuant to the Susanville Municipal Code Title 17, Chapter 17.36.030(K). The applicants intend to utilize the former Baxter Auto Parts Building for the retail side of their proposed business which is an allowed by right use in the C-2 Zoning District. The applicants are also requesting up to an 8 foot perimeter fence be allowed for added security to their rental yard fleet which will also be evaluated with this use permit proposal. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve Resolution No. 22-1103

ATTACHMENTS:
[Cashman SR-Site Plan-Elevations.pdf](#)
[Resolution 22-1103.docx](#)

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF FINDINGS
May 24, 2022

APPLICANT	Cashman Equipment Company
OWNER	Collins Properties LLC.
REPRESENTATIVE	Cashman Equipment Company
REQUEST	The applicants are proposing a Use Permit to allow for a tractor equipment rental yard in a C-2 (General Commercial/Shopping Center Zoning District).
ASSESSOR'S PARCEL NO	116-040-045-000
PARCEL SIZE	.50 Acre
LOCATION	3020 Riverside Drive
EXISTING ZONING	C-2 (General Commercial/Shopping Center Zoning District).
SURROUNDING ZONING	North, South, East, and West: C-2 (General Commercial/Shopping Center Zoning District).
SURROUNDING LAND USE	General Commercial/Shopping Center
GENERAL PLAN DESIGNATION	General Commercial/Shopping Center
ENVIRONMENTAL DETERMINATION	The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

COMMENTS RECEIVED:

- 1. Building Department:**
A. Obtain building permits for any permittable work.
- 2. Fire Department:**
A. 3-foot clearance required around fire hydrant.
B. Knox box shall be required for Fire Department access when the facility/business is closed.
- 3. Police Department:**
No Comments.
- 4. Public Works Department:**
A. Install new ADA driveway.

COMMUNITY CORRESPONDENCE:

Property owners were notified within a 300 ft. radius of the proposed project and no comments were received.

ANALYSIS:

The applicant is requesting a Use Permit to allow for a tractor equipment rental business located at 3020 Riverside Drive, in Susanville CA. The subject parcel, Assessor's Parcel Number (APN) 116-040-045-000, for the proposed use is currently vacant and approximately a half-acre. The subject parcel is zoned C-2 (General Commercial Shopping Center Zoning District) and has a land use designation of *General Commercial/Shopping Center* pursuant to the *City of Susanville General Plan 1990-2010*. The proposed use is allowed by first securing a Use Permit pursuant to the Susanville Municipal Code Title 17, Chapter 17.36.030(K). The applicants intend to utilize the former Baxter Auto Parts Building for the retail side of their proposed business which is an allowed by right use in the C-2 Zoning District. The applicants are also requesting up to an 8-foot perimeter fence be allowed for added security to their rental yard fleet which will also be evaluated with this use permit proposal.

If the Planning Commission offers favorable consideration to this application, staff recommends requiring the conditions outlined in the adopting resolution. The Planning Commission may choose to approve, disapprove, or defer the decision to the City Council. Should the Planning Commission choose to approve the Use Permit, the conditions of approval are outlined as shown in Resolution No. 22-1103. If the Planning Commission decides to disapprove the project, the applicants may appeal to the City Council.

SUSANVILLE MUNICIPAL CODE REQUIREMENTS:

17.96.040 Landscaping.

The following general landscaping requirements apply:

A. Areas Requiring Landscaping.

1. *Parking Areas. Open parking areas containing five or more required vehicle spaces which abuts a public street shall be landscaped to a depth of ten (10) feet, measured from the abutting street right-of-way line, with openings for walkway and/or driveway purposes, in accordance with city standards. Street trees at a rate of one tree per thirty (30) feet of frontage and shrubs at a rate of one shrub per twenty five (25) square feet shall be planted in this area. Grass may be substituted for shrubs on a per square foot basis;*

2. Large Parking Areas. Open parking areas, excluding underground or structural parking, which contain twenty (20) or more spaces, shall be landscaped to a minimum of ten (10) percent of the gross lot area used for off-street parking and access thereto, exclusive of any landscaped strip abutting the street right-of-way or area used for walkways or driveways. This required landscaping shall be located within or adjacent to the parking lot and shall include one tree, of a species suited to the area climate zone, for every eight parking spaces. One landscaped planting area at least one hundred forty (140) square feet in size, parallel to parking spaces, is required for each twelve (12) parking spaces unless approved otherwise by the community development director;

3. Parking Next to Residential Areas. A minimum three-foot-wide landscaped strip shall be planted and maintained along the edge of parking areas that abut residential districts. This shall be counted as a part of the ten (10) percent landscaped area described in subsection (A)(2) of this section if adjacent to a parking area, if applicable;

4. Commercial, Industrial and Multifamily Yard Area. For commercial, industrial or multifamily residential uses, required yards adjoining public streets shall be landscaped to a depth of ten (10) feet. The landscaped area shall include one tree for each thirty (30) feet of frontage and one shrub for each twenty five (25) square feet. Yards (building setbacks) adjacent to interior property lines shall be similarly landscaped unless approved otherwise by the community development director.

B. Landscaping Materials. Required landscaping may consist of a combination of plant and non-plant material, provided no less than fifty (50) percent of the required landscaped area shall be living plant material, based on mature plant size. Trees shall be from at least fifteen (15) gallon size containers and shrubs shall be from at least two gallon size containers, except for uses requiring a use permit seventy-five (75) percent of trees shall be at least 1.5 inches in caliper and seventy-five (75) percent of shrubs shall be at least from five gallon size containers. Tree sizes may be increased for areas where larger trees are removed from a site or additional screening is needed. All disturbed areas of the parcel not included under roof or for vehicular areas shall be covered with concrete, asphalt, or landscaping with an appropriate weed mat; where appropriate, native plants, xeriscaping, or other drought resistant plants are encouraged.

C. Watering. All required planted areas shall be served with adequate and permanent watering systems, except where native plants are used, a temporary watering system may be used until plants are well established. All plants shall be maintained in a healthy, living condition.

D. Border Materials. Except where abutting a sidewalk, all required landscaped areas shall be enclosed by either a concrete curb having a minimum height of six inches or a wooden frame constructed from materials such as railroad ties or other heavy lumber materials which measure no less than six inches in diameter.

E. Maintenance. All required landscaped areas shall be maintained in a neat and clean condition.

F. Sight Distance. In order to provide safe sight distance at driveways and street intersections, all plant material within a thirty (30) foot triangle at the intersection of streets, and a fifteen (15) foot triangle at the intersection of driveways and streets, shall be no more than two feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six feet above the curb;

G. Exceptions. Any portion of this section may be modified to achieve an equal or greater excellence in arrangement, design or attractiveness than would be realized by the normal standards of this section if a use permit is obtained.

H. Landscaping Plan. All landscaping required by this section shall be installed and maintained in accordance with a landscaping plan. The plan shall be submitted to and approved by the community development director prior to issuance of a building permit or use permit, and shall show the location, size and variety of all plants, water supply and other pertinent improvements. This plan may be combined with a parking plan. (Ord. 06-932 § 1, 2006; Ord. 00-866 § 2, 2000)

ENVIRONMENTAL REVIEW:

The City of Susanville City Planner/ Environmental Review Officer has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

STAFF RECOMMENDATION:

As proposed, the project is consistent with the Susanville Municipal Code Title 17, Chapter 17.36, and the *City of Susanville General Plan, 1990-2010*. Staff recommends approval with the stated conditions outlined in Resolution No. 22-1103.

May 2, 2022

City of Susanville Received

City of Susanville Planning Application

MAY 03 2022

BUILDING & PLANNING

Cashman Equipment Company plans to open a rental and parts operation in Susanville this spring / summer. We are excited to become part of the City of Susanville with a physical brick and mortar presence. We will be active in the community, will be serving the greater Lassen and Plumas County area from this location and intend to hire locally.

We are in escrow on two parcels, the former Baxter Auto Parts building / property and the half-acre empty parcel adjoining it to the west. In addition and of important note, we have successfully negotiated with Plumas Bank, to purchase the portion of land that resides inside and at the rear of this ½ acre parcel, removing it from parcel 116-040-44... as well as to abandon the easement that comes into the parcel from Riverside Ave. This will give us one full contiguous parcel in 116-040-045. This use permit is being submitted based on the 'to-be' configuration of the parcel, post-acquisition of the land from Plumas Bank. We have signed a contract with NST Engineering to perform the lot line adjustment work.

Scope of Special Use Permit Application – this parcel will be used as the staging and storage area for our rental fleet. The following are examples of the work and improvements that we intend to perform on this vacant land parcel (see illustrations for example of most items described):

- Grade and gravel the entire lot (yard)
- Install chain link fencing around the entire perimeter of both parcels, the combined 116-040-44 and 116-040-45.
 - The fencing will be 6 ft. high plus a couple of rows of barbed wire, for a total height of less than 8 ft.
 - There will be a 30 ft. two-piece swing access gate on the north side of the properties (with a 20 ft. ingress so the employee opening / closing the gates can be off the street.
- Install 2 – 3 post lights, to illuminate downward on the yard.
- Install 2 – 3 security cameras facing the yard.
- Demo the existing landscaping along Riverside Dr in front of both parcels and install new.

The following work and improvements are intended for the adjoining parcel, 3030 Riverside Dr (parcel 116-040-046), simultaneously with 3020 Riverside Dr

- Install chain link fencing:
 - There will be a small equipment display area in front of the building on 116-140-45, that will be fenced and contain a small gate.
 - There will also be a section of sub-fencing that runs from the SW corner of the building, straight back to the rear property fence.
 - The fencing will be 6' high plus a couple of rows of barbed wire, for a total of less than 8' high.
- Paint the exterior of the building. The color scheme will be medium gray on the body with the awning / facia being red (Cat Rental Store color scheme).
- Restripe parking space lines.
- Demo the old existing landscaping and install new along Riverside Dr to be contiguous with adjoining 3020 Riverside (includes removal / replacement of juniper shrubs near SW corner of building).
- Clean up of all exterior areas of vegetation etc. Includes removal of old unattractive trees / bushes along rear western portion of property line as well as along eastern edge of property.
- Install 2 post lights, one to illuminate the front fenced portion and the other to illuminate the rear of the property.
- Install 2 - 3 security cameras on building.
- Extend the pavement approximately 20 feet to the rear most open area, the portion to the south. This will be where equipment will be pressure washed after return from rental. An appropriate water containment or treatment system will be installed.
- Relocate the existing large propane tank that sits at the SE corner of the building, moving it farther south on the property.
- Install outdoor racking at rear west edge of the parcel (inside the secondary fence). This racking will store attachments for the rental equipment such as excavator buckets, augers, hydraulic hammers etc.
- Paint the existing Baxter Auto Parts backlit sign structure at the front of the property. Install a new double sided sign face, depicting Cashman.
- Install Cashman Rents and Cashman Cat signage on the awning / facia of the building. These signs will not be backlit but will have up or down lighting (as appropriate) shining on the signs.
- Remove the existing signs, banners etc. from the exterior walls of the building (that Baxter installed).
 - A small digital display board will be installed on both the west and east sides of the building, toward the northern end.
- There will be a minor amount of TI work on the interior of the building. Mostly cleanup and refurbishing but will likely a minor amount of remodeling work... the details of this are not final yet

City of Susanville Received

MAY 2013

BUILDING

General Examples of Rental Equipment on Site

- Skid steer loaders – wheeled and rubber track
- Mini-excavators
- Compact wheel loader
- Backhoe loaders
- Reach forklifts
- Small single drum and double drum roller
- 5 yd dump truck
- 2000 gallon water truck
- 500 gallon water trailer
- Dump trailers
- Flatbed equipment trailers
- Boom lifts
- Scissor lifts
- Light towers
- Electric generators – up to 25 KW
- Trencher
- Concrete mixer
- General lawn and garden equipment

City of Susanville Received

MAY 03 2022

BUILDING & PLANNING

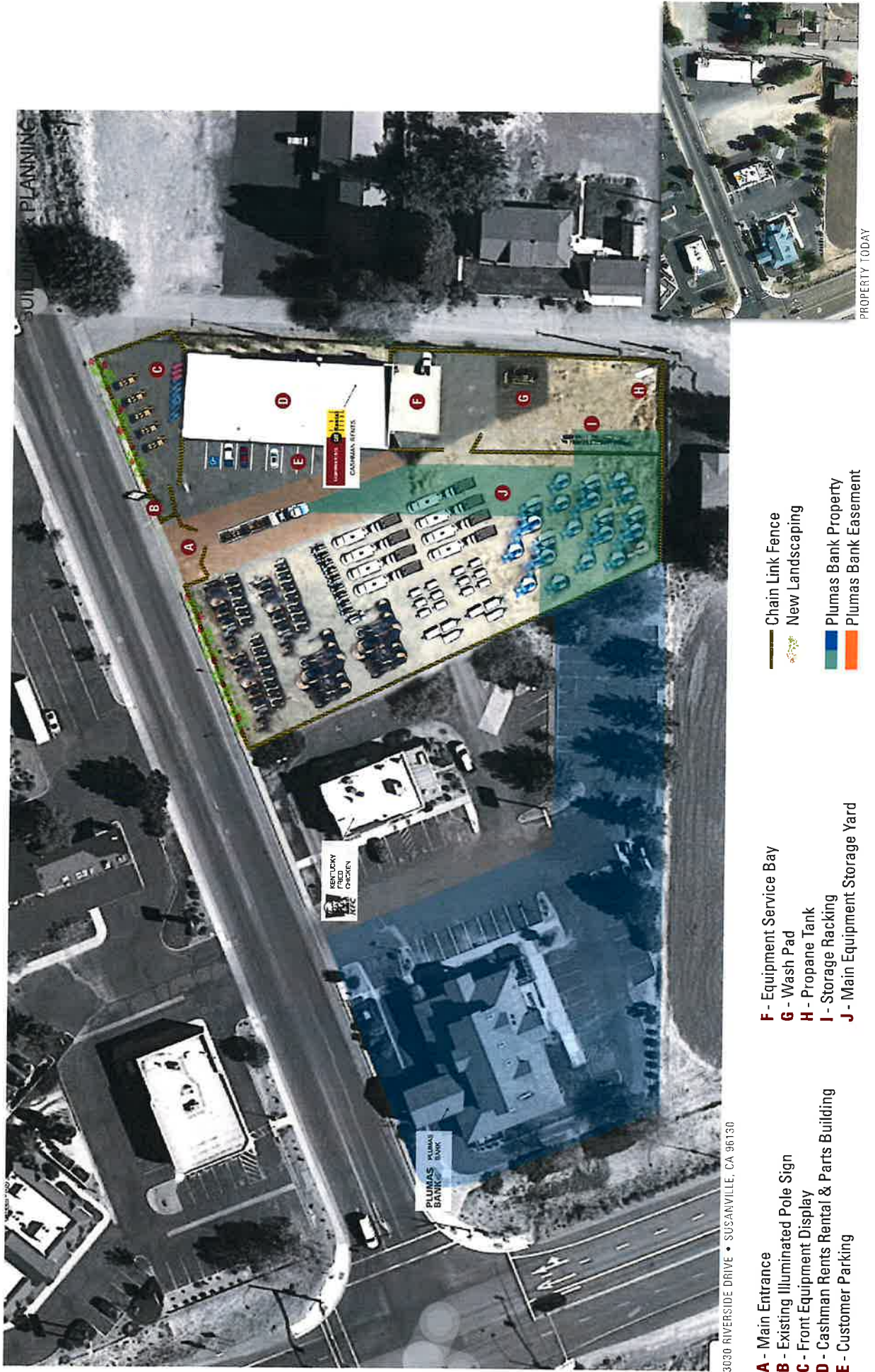
Thank you for your consideration of this use permit.



Todd Gilligan

Vice President – Sales, Rental & Marketing
Cashman Equipment Co.

MAY 03 2022



MAY 03 2022



PROPERTY TODAY

RENDERING OF PROPOSED CHANGES TO PROPERTY



MAY 03 2022

BUILDING & PLANNING



PROPERTY TODAY

RENDERING OF PROPOSED CHANGES TO PROPERTY



3030 RIVERSIDE DRIVE • SUSANVILLE, CA 96130

MAY 03 2022

BUILDING & PLANNING



PROPERTY TODAY

2030 RIVERSIDE DRIVE • SUSANVILLE, CA 96120

RENDERING OF PROPOSED CHANGES TO PROPERTY



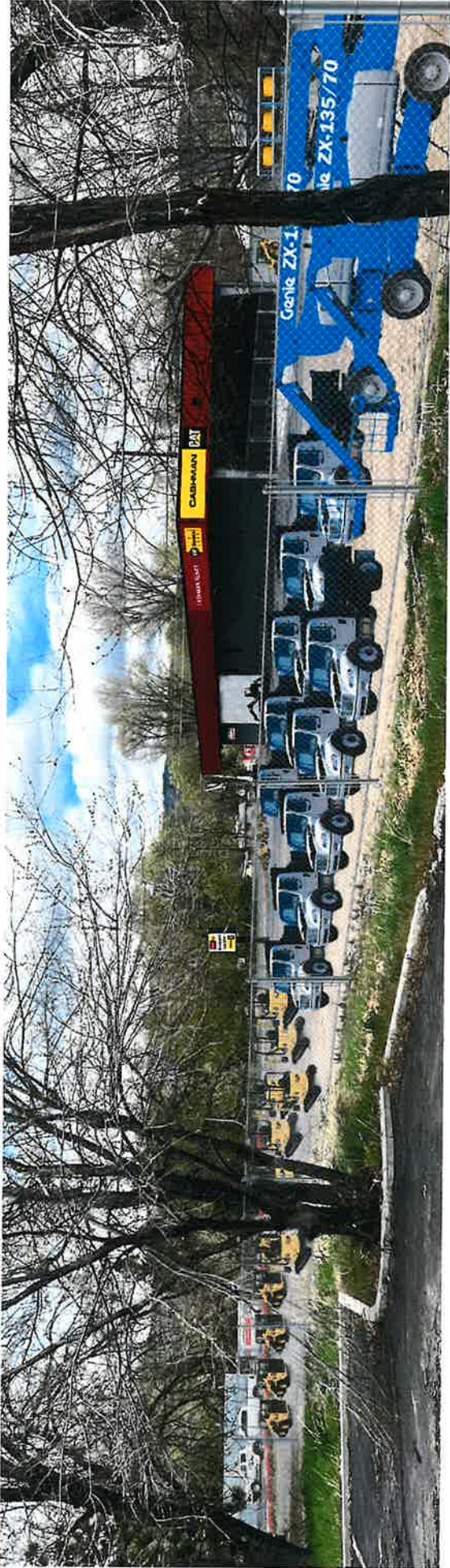
MAY 03 2022



PROPERTY TODAY

2030 RIVERSIDE DRIVE • SUSANVILLE, CA 96130

RENDERING OF PROPOSED CHANGES TO PROPERTY



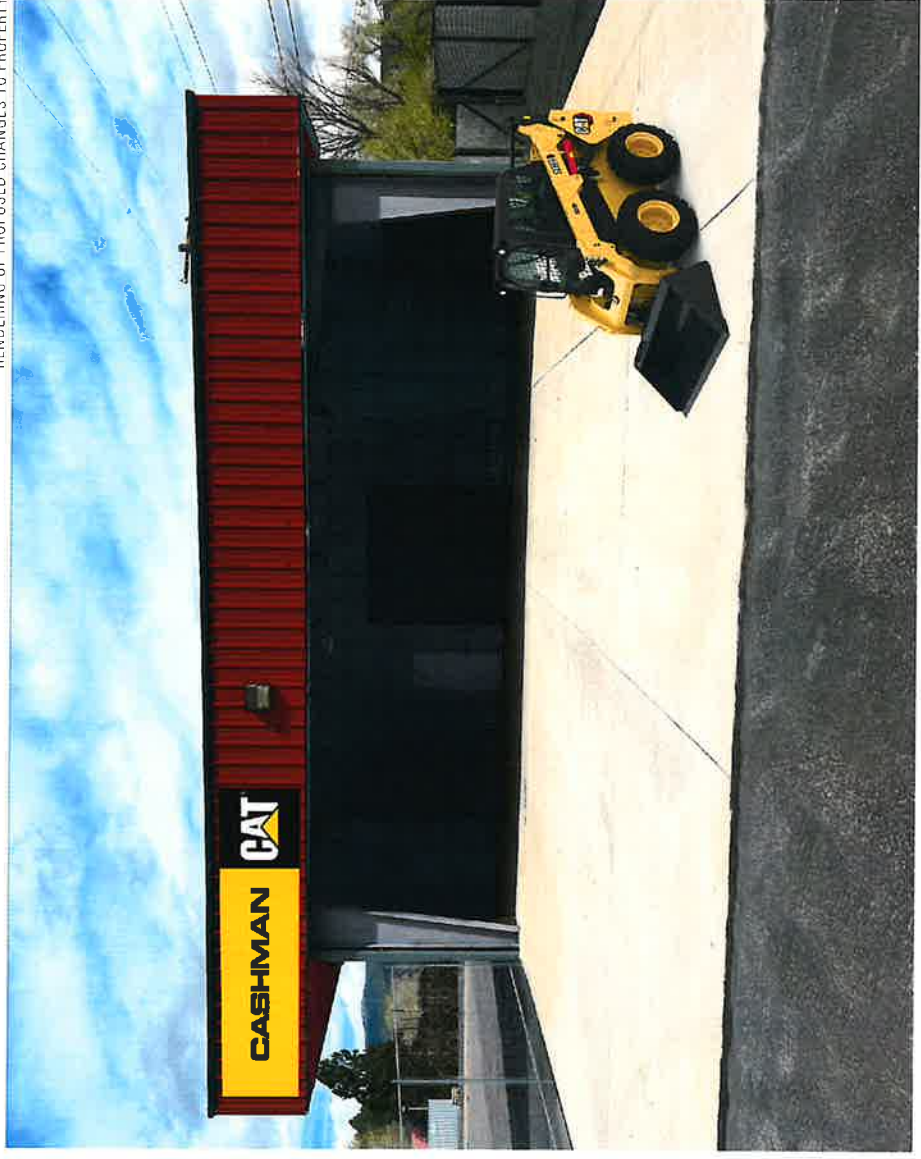
City of Susanville Received

MAY 03 2022

BUILDING & PLANNING



RENDERING OF PROPOSED CHANGES TO PROPERTY



MAY 03 2022

BUILDING & PLANNING



RENDERING OF PROPOSED CHANGES TO PROPERTY



City of Susanville

PLANNING APPLICATION



City of Susanville, Planning Division
66 North Lassen Street
Susanville, California 96130-3904
(530) 252-5117 / Fax (530) 257-4725

TYPE OR PRINT CLEARLY

Applicant Cashman Equipment Co.	Street Address 3300 St. Rose Pkwy	City Henderson, NV	Zip Code 89052	Day Phone (702) 433-4639
Representative (if any) Todd Gilligan - VP Sales - Cashman	Street Address 600 Glendale Ave	City Sparks, NV	Zip Code 89431	Day Phone (702) 328-0355
Property Owner Collins Properties LLC	Street Address 400 S. Main St.	City Yreka, CA	Zip Code 96097	Day Phone (530) 842-4167
Correspondence to be sent to: ☐ Applicant ☒ Representative ☐ Owner				

Project Address 3020 Riverside Dr. Susanville, CA			Assessor's Parcel No. 116-040-045
Existing Land Use Bare Land	Site Acreage .50 AC	Zoning Commercial	General Plan
Description of proposed project (attach sheets if necessary) Cashman Equipment Co, the Caterpillar dealership for Nevada and the eastern Sierra is opening an equipment rental business in Susanville. Founded in 1931, Cashman recently celebrated its 90th anniversary as the Caterpillar dealership. This rental location will focus mostly on smaller equipment serving the contractor and municipal sectors as well as homeowners (see attached sheet).			

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed: <u>Todd M. Gilligan</u> Date: <u>4/28/22</u>	Property Owner/Authorized Agent: I have read this application and consent to its filing. Signed: <u>Paul J. Collins</u> Date: <u>5/2/22</u>
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TYPE OF APPLICATION	☐ Abandonment ☐ Administrative Permit ☐ Architectural & Site Plan Review ☐ Amendment/Appeal ☐ Design Review ☐ General Plan Amendment	☐ Home Occupation Permit ☐ Lot Line Adjustment ☐ Other: _____ ☐ Parcel Map ☐ Planned Development District ☐ Rezoning	☐ Specific Plan ☐ Subdivision ☒ Use Permit ☐ Time Extension: Expiration Date: _____ ☐ Zone Variance
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REQUIRED SUPPLEMENTAL INFORMATION	☒ Reproducible Site Plan; Use Permit, Administrative Permit, Site Plan Review, Variance ☒ Building Elevations: Use Permit, Site Plan Review, Planned Development ☐ Floor Plans: Planned Development, Use Permit ☐ Reproducible Tentative Subdivision Map (copies) ☐ Preliminary Title Report: Subdivision, Lot Split, Abandonment ☐ Subdivision Data Sheet: Subdivision, Planned Development	☐ Letters from Utility Companies: Abandonment ☐ Letter of Justification: Variance ☐ Home Occupation Permit Affidavit ☐ Legal Description: Lot Line Adjustment/Merger; Abandonment ☐ C C & R's ☐ Other: _____
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FOR OFFICE USE ONLY	Application Number(s) <u>UP-22006</u>	Received By <u>RMC</u>	Date Application Received <u>5/3/22</u>
	Date Application Certified Complete	Staff Assigned <u>Kelly Mumper</u>	Redevelopment Area ☐ Yes ☐ No
	Fees Received/Receipt No.		NOTES TO FILE
	Environmental Determination ☐ Categorically Exempt ☐ Negative Declaration ☐ EIR Required		

MAKE CHECKS PAYABLE TO CITY OF SUSANVILLE

RESOLUTION NO. 22-1103

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING USE PERMIT APPLICATION UP-22-006, FOR AN EQUIPMENT RENTAL YARD INCLUDING OUTDOOR STORAGE OF EQUIPMENT AND MATERIALS LOCATED AT 3020 RIVERSIDE DRIVE

IN A C-2 ZONING DISTRICT, APN 116-040-045-000

WHEREAS, Cashman Equipment Company has applied for a Use Permit to allow an equipment rental yard with outdoor storage of equipment and materials in a C-2 (General Commercial/Shopping Center zoning district) on that property known as Assessor's Parcel Number 116-040-045-000, located at 3020 Riverside Drive; and

WHEREAS, the Susanville Planning Commission at a public hearing held on May 24, 2022, which was noticed in the Modoc Record on May 12, 2022, has considered both written and oral comments presented concerning the proposed project as required by City Code section 17 .112.20 E; and

WHEREAS, the City of Susanville Planning Division has determined that the project is Categorically Exempt under Article 19, Section 15332, of the CEQA guidelines;

NOW, THEREFORE, the City of Susanville Planning Commission:

A. Makes the following findings:

1. That the proposed project is consistent with the General Plan and is consistent with the C-2 zoning district.
2. That the establishment, maintenance, or operation of the subject use, and facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.
3. The conditions imposed upon approval of this use are necessary to further the public health, safety, peace comfort and general welfare of the city.

B. Approves the Use Permit (UP-22-006) and for Cashman Equipment Company – Todd Gilligan in accordance with the site plan, "CITY OF SUSANVILLE RECEIVED May 3, 2022, BUILDING AND PLANNING" and included in the attached staff report, except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Storage of materials and equipment shall substantially conform to the approved Site Plan with no equipment or materials being stored outside of the fenced area.
2. Submit a detailed landscaping plan for the proposed and or required landscaped areas in accordance with the landscaping requirements of Section 17.96.040 of the City of Susanville Municipal Code.

3. If exterior lighting is proposed, all fixtures shall be full cut-off fixtures and shall be installed in a manner and location that ensures no light will interfere with vehicles on any road way or with adjoin land uses.
4. A minimum of one parking space for the project shall be ADA compliant.
5. Equipment shall be stored in an organized manner with appropriate measures being taken to ensure that dirt and debris are not tracked throughout the site or onto the adjoining roadways. Mechanical fluids shall not be allowed to leak onto the ground, stored equipment shall be kept in its most compact state, banners and advertising shall not be attached to the merchandise.
6. All existing and proposed signage shall conform to the City sign regulations. Obtain a sign permit from the City Planning and Building Division.
7. Submit a business license application for the business location.
8. The applicant shall submit a Lot Line Adjustment application within 60 days of the approval of this Use Permit to address the property line discrepancies for the proposed project.
9. The applicant shall be required to obtain permission from Pumas Bank to operate said business while the Lot Line Adjustment is being performed.
10. The existing fire hydrant shall always have a 3-foot minimum clearance.
11. A Knox Box for fire department access during off business hours shall be required.
12. Obtain the proper building permits for any tenant improvements.
13. A new ADA complaint driveway entrance shall be installed.

GENERAL

14. Approval of this use permit is contingent upon the establishment, maintenance, and operation of the subject use not being detrimental or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use and not being injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city. This permit may be revoked by the Planning Commission for non-compliance with these terms.
15. This permit will become null and void if the approved use has not begun within one year from the date of adoption of this resolution unless an extension of the life of the permit is approved by the Planning Commission. It is the applicant's responsibility to request an extension within a reasonable time frame, if needed.
16. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
17. All contractors and sub-contractors involved in the project shall obtain a City of Susanville Business License and maintain said license in force for the duration of the project.

APPROVED:

Wayne Jambois, Chairperson

Planning Commission

City of Susanville, State of California

ATTEST:

Heidi Whitlock, Deputy City Clerk

Secretary to the Planning Commission

The foregoing Resolution was introduced and adopted at a special meeting of the Susanville Planning Commission held on the 24th day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock, City Clerk

Secretary to the Planning Commission

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: May 24, 2022

SUBJECT: Variance #2022-004, Zarick

PRESENTED BY: Kelly Mumper

SUMMARY:

VA#2022-004, ZARICK. The applicant is requesting a Variance from the required front yard setback in an R-1 Zoning District to construct a covered front porch addition to an existing single-family residence. The applicant is requesting a 12-foot front yard setback whereas a 20-foot setback is required by the Susanville Municipal Code Title 17, Chapter 17.12.060(1). The subject property is located at 555 Spruce Street in Susanville, CA. The subject property has an assigned Assessor's Parcel Number (APN) of 105-050-004-000. The Subject Property is zoned R-1 (Single Family Residential Zoning District) with a land use designation of "*Single Family*" pursuant to the *City of Susanville General Plan 1990-2010*. If approved, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15268 of the CEQA guidelines. Variances from the terms of any regulation established by the zoning plan shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this zoning title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve Resolution No. 22-1104

ATTACHMENTS:

[VA#2022-004 Staff Report.docx](#)
[Application & Site Plan.pdf](#)
[PC Res 22-1104 Approve.docx](#)

**CITY OF SUSANVILLE PLANNING COMMISSION
STAFF FINDINGS
May 24, 2022**

APPLICANT	Steve Zarick
OWNER	Steve Zarick
REPRESENTATIVE	NST Engineering
REQUEST	The applicants are requesting a Variance to reduce the R-1 (Single Family Residential Zoning District) required front yard setback from 20ft. to 12ft to accommodate a proposed covered porch entryway.
ASSESSOR'S PARCEL NO	105-050-004-000
PARCEL SIZE	0.14 Acres (6,098 Square Feet)
LOCATION	555 Spruce St., Susanville, CA 96130
EXISTING ZONING	R-1 (Single Family Residential)
SURROUNDING ZONING	North: R-1 (Single Family Residential) South: R-1 (Single Family Residential) East: R-1 (Single Family Residential) West: R-1 (Single Family Residential)
SURROUNDING LAND USE	Single Family
GENERAL PLAN DESIGNATION	Single Family
ENVIRONMENTAL DETERMINATION	The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15303.

COMMENTS RECEIVED BY CITY DEPARTMENTS:

1. **Building Department:**
A. Provide engineered building plans for all project phases designed by a licensed professional that follows the California Building Code.

2. **Fire Department:**
A. Compliance with all fire and life safety codes.

3. **Police Department:**

No Comments.

4. Public Works Department:

No Comments

SUSANVILLE MUNICIPAL CODE REQUIREMENTS (VARIANCES):

17.112.010 Variances.

Variances from the terms of any regulation established by the zoning plan shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this zoning title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. Any variance granted must be in harmony with the general purpose and intent of the zoning laws. The provisions of this section shall not apply to conditional use permits. (Section 65906, Planning and Zoning Law).

A. An application for a variance shall be made to the community development department on a form prescribed by the city, and shall be accompanied by a variance application fee, a statement, plans or other evidence showing that the application complies with the above requirements of this section. Fees for variance applications shall be set by resolution of the city council.

B. No application shall be accepted as complete unless and until all fees, the application form and related information are filed with and accepted by the planning department. Failure of any applicant to respond, within thirty (30) days of mailing, to any notice that the application is incomplete or to any request to clarify, amplify, correct or otherwise supplement the application shall be deemed an abandonment of the variance application, and no further action shall be taken upon it.

C. All applications shall be reviewed pursuant to and for compliance with the California Environmental Quality Act (CEQA) under state law and any procedures established by the city council. Conditions of approval shall include any measures required pursuant to the CEQA review.

D. All applications shall be reviewed by the appropriate members of the city staff. The report of the staff members, including any recommended conditions of approval, shall be coordinated and forwarded to the planning commission, as appropriate by the community development director, prior to the hearing on the application.

E. The planning commission shall hold a public hearing on each application after the application is accepted as complete. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, shall be given by publication, as required by Government Code Section 65090, and by mail, as required by Section 65091. Failure to receive the notice required by Government Code Section 65091 shall not invalidate any action on the application. The city council may, by

resolution, provide for additional notice. Any hearing may be continued to a specific time, date and place without further public notice.

F. The planning commission may approve, conditionally approve or deny approval of the application by resolution. A resolution approving a variance application shall clearly describe the variance, set forth all conditions of approval, and identify which conditions, if any, must be met prior to use of the variance. No variance shall be granted unless findings of fact are made that all of the criteria in subsection A of this section apply. The planning commission may require security it deems reasonably necessary to ensure compliance with any conditions imposed.

G. The granting of any variance may be conditioned to require the dedication of land or the posting of a bond to guarantee the installation of public improvements, provided the dedication or public improvements are reasonably related to the use for which the variance is granted. No variance shall be granted unless conditions are imposed that assure that the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which the subject property is located. No variance shall be granted which authorizes a use or activity which is not expressly authorized by the zone district regulations. Every variance granted under this section is revocable; revocation proceedings shall require notice and public hearing the same as for a variance.

H. After the time for filing an appeal has expired, or if an appeal is timely filed, after the decision on the appeal, the community development director shall mail or deliver to the applicant or designee a copy of the executed resolution on the decision. A resolution approving or affirming the approval of or reversing the disapproval of a variance application shall permit the applicant to vary from the applicable zoning regulations to the extent authorized in the resolution, provided any precedent conditions imposed therein have first been met.

I. No building permit or mobile home installation permit for which a variance is required shall be issued until the time to appeal approval of the variance has expired, or in case of appeal, until the approval has been affirmed or the disapproval has been reversed by the city council. (Ord. 06-932 § 1, 2006; Ord. 00-866 § 2, 2000)

ANALYSIS:

The applicant is requesting a Variance to reduce the R-1 (Single Family Residential Zoning District) required front yard setback from 20ft. to 12ft to accommodate a proposed covered porch entryway. The subject property is zoned R-1 (Single Family Residential) and has a General Plan land use designation of *Single Family* pursuant to the *City of Susanville General Plan 1999-2010*. The subject property is located at 555 Spruce Street, Susanville CA 96130. APN (105-050-004-000). The planning commission may approve, conditionally approve, or deny approval of the application by resolution. A resolution approving a Variance application shall clearly describe the variance, set forth all conditions of approval, and identify which conditions, if any, must be met prior to use of the variance.

If the Planning Commission offers favorable consideration to this application, staff recommends requiring the conditions outlined in the adopting resolution. The Planning Commission may choose to approve, disapprove, or defer the decision to the City Council. Should the Planning Commission choose to approve the Variance, the conditions of approval are outlined as shown in Resolution No. 22-1104. If the Planning Commission decides to disapprove the project, the applicants may appeal to the City Council.

COMMUNITY CORRESPONDENCE:

Property owners were notified within 300 feet of the proposed project and no comments were received in favor or against.

ENVIRONMENTAL REVIEW:

The City of Susanville City Planner/ Environmental Review Officer has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15303(e).

STAFF RECOMMENDATION:

Staff recommends approval with the stated conditions outlined in the proposed adopting resolution (Resolution No. 22-1104).

PLANNING APPLICATION



City of Susanville, Planning Division
66 North Lassen Street
Susanville, California 96130-3904
(530) 252-5117 / Fax (530) 257-4725

TYPE OR PRINT CLEARLY

Applicant STEVE ZARICK	Street Address 555 SPRUCE STREET, SUSANVILLE, CA 96130	City SUSANVILLE	Zip Code 96130	Day Phone ()
Representative (if any) NST ENGINEERING, INC	Street Address 1495 RIVERSIDE DR., SUSANVILLE, CA 96130	City SUSANVILLE	Zip Code 96130	Day Phone (530) 257-5173
Property Owner SAME	Street Address	City	Zip Code	Day Phone ()
Correspondence to be sent to: ☒ Applicant ☒ Representative ☐ Owner				

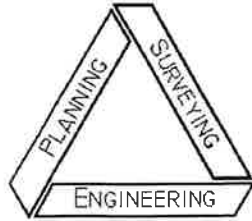
Project Address 555 SPRUCE STREET			Assessor's Parcel No. 105-050-004
Existing Land Use RESIDENTIAL	Site Acreage 0.14 AC	Zoning R-1	General Plan SINGLE FAMILY RESIDENTIAL
Description of proposed project (attach sheets if necessary) CONSTRUCTION OF A COVERED FRONT PORCH ADDITION			

Applicant/Representative: I have reviewed this application and the attached material. The provided information is accurate. Signed <u>[Signature]</u> Date <u>02/28/2020</u>	Property Owner/Authorized Agent: I have read this application and consent to its filing. Signed <u>[Signature]</u> Date <u>2/20/22</u>
---	---

TYPE OF APPLICATION	☐ Abandonment	☐ Home Occupation Permit	☐ Specific Plan
	☐ Administrative Permit	☐ Lot Line Adjustment	☐ Subdivision
	☐ Architectural & Site Plan Review	☐ Other _____	☐ Use Permit
	☐ Amendment/Appeal	☐ Parcel Map	☐ Time Extension: Expiration Date _____
	☐ Design Review	☐ Planned Development District	☒ Zone Variance
	☐ General Plan Amendment	☐ Rezoning	

REQUIRED SUPPLEMENTAL INFORMATION	☒ Reproducible Site Plan; Use Permit, Administrative Permit, Site Plan Review, Variance	☐ Letters from Utility Companies: Abandonment
	☐ Building Elevations: Use Permit, Site Plan Review, Planned Development	☒ Letter of Justification: Variance
	☐ Floor Plans: Planned Development, Use Permit	☐ Home Occupation Permit Affidavit
	☐ Reproducible Tentative Subdivision Map (copies)	☐ Legal Description: Lot Line Adjustment/Merger; Abandonment
	☐ Preliminary Title Report: Subdivision, Lot Split, Abandonment	☐ C C & R's
	☐ Subdivision Data Sheet: Subdivision, Planned Development	☐ Other _____

FOR OFFICE USE ONLY	Application Number(s) VA 22-004	Received By [Signature]	Date Application Received 4/18/22	
	Date Application Certified Complete	Staff Assigned Kelly Mumper	Redevelopment Area ☐ Yes ☐ No	
	Fees Received/Receipt No. 1,224.00		NOTES TO FILE	
	Environmental Determination ☐ Categorically Exempt ☐ Negative Declaration ☐ EIR Required			



NST ENGINEERING, INC.

1495 Riverside Drive • Susanville, CA 96130
(530) 257-5173 • FAX (530) 257-6272

Jeffery A. Morrish, R.C.E.
Vernon H. Templeton, R.L.S.

Letter of Justification for Front Yard Setback Variance City of Susanville Received

Steve Zarick
555 Spruce Street
APN 105-050-004

APR 18 2022

BUILDING & PLANNING

The Owner, Steve Zarick, is requesting a variance for the front yard setback so that he may construct a covered front porch. Presently, the R-1 Zoning requires a twenty (20) foot front setback unless four (4) or more lots in the block have been improved with dwellings prior to August, 1963 (17.12.060(A)1, 2). In which case, the minimum front yard setback shall be the average of the existing dwellings. The dwellings along the East side of Spruce Street have been built prior to 1963 and have the following setbacks:

Owner	APN	Address	Year Constructed	Present Front Yard Setback
Lamica	105-050-001	585 Spruce	1960	1.5 ft (to carport)
Heard	105-050-002	575 Spruce	1950	13.5 ft
Preciado	105-050-003	565 Spruce	1940	13.5 ft
Zarick	105-050-004	555 Spruce	1940	16 ft
Humphries	105-050-005	535 Spruce	1930	±15 ft

The Zarick residence has an enclosed entry that has about a 16 foot front yard setback. There is presently concrete steps that go up to the front door. Mr. Zarick has proposed to construct a new covered deck that will have a 12 foot front yard setback to the deck structure.

$$\text{Average setback} = (1.5 + 13.5(2) + 16 + 15) / 5 = 11.9 \text{ ft}$$

There will be posts and beams that will support the roof. The structure will be open except for the posts similar to the adjacent dwellings along east side of Spruce Street.

The entry deck addition is reasonable and is within the guidelines of the City Zoning ordinance. Mr. Zarick's benefit will be similar to neighboring parcels.

SPRUCE STREET

EDGE OF ASPHALT

SIDEWALK

N16° 20' 42"E 50.00'

(n) DECK
AND ROOF
COVER
(±100 SF)

12.0'

(e) STEPS

16.0'

HOUSE

13.5'

565

13.5'

575

1.5'

CARPORT

585

N73° 34' 00"W

FENCE

120.00'

GARAGE

N73° 34' 00"W

120.00'

N16° 20' 42"E 50.00'

535

555



SITE PLAN

SCALE: 1" = 30'

PAUL BUNYAN ROAD

City of Susanville Received

APR 18 2022

BUILDING & PLANNING

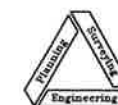
**SITE PLAN
FOR
STEVEN ZARICK**

555 SPRUCE STREET
EAST ADDITION
CITY OF SUSANVILLE
LASSEN COUNTY, CALIFORNIA

SCALE : 1" = 30'

NST Engineering, Inc.

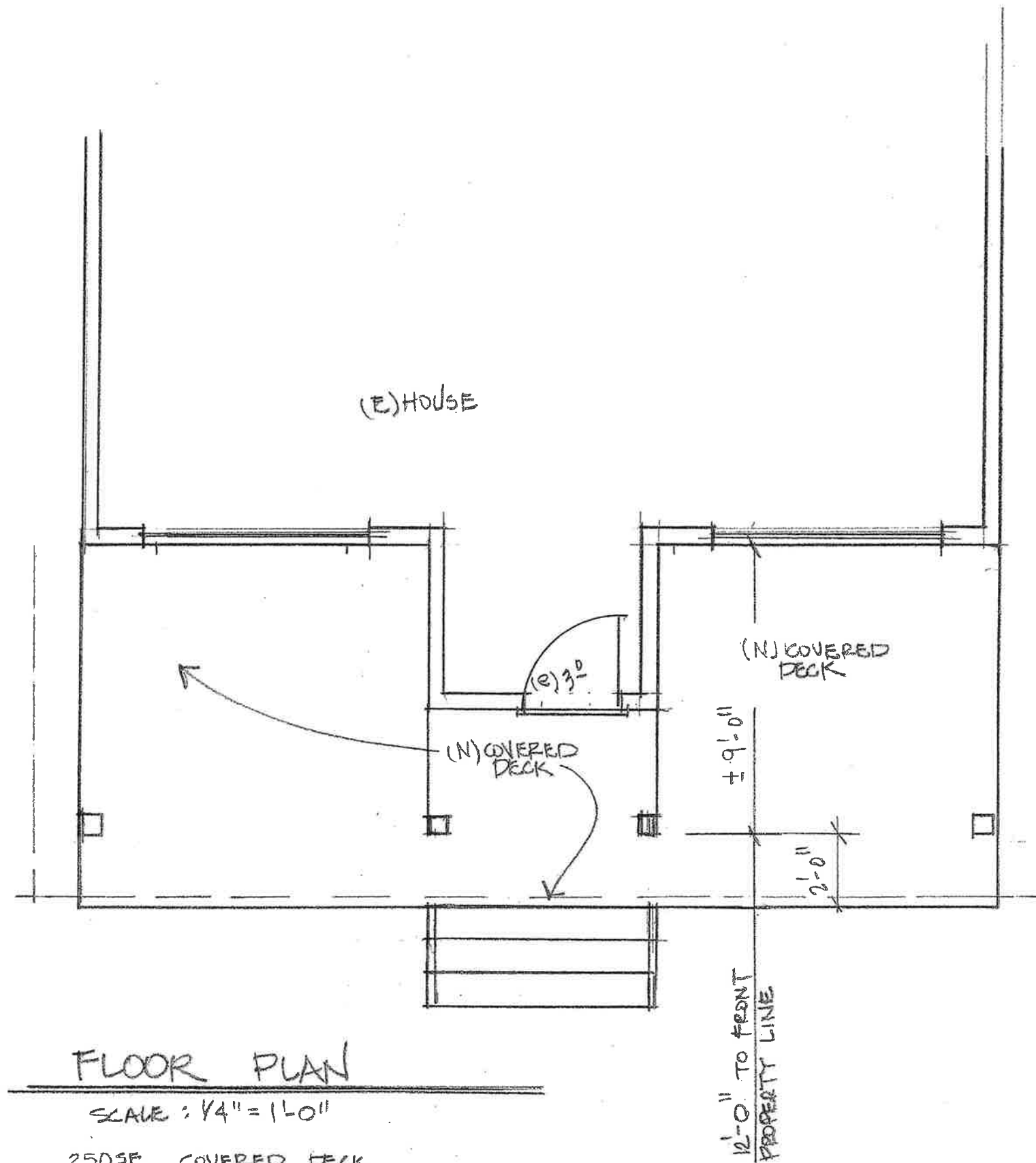
1495 Riverside Drive
Susanville, CA 96130
(530) 257-5173



APRIL 2022

2021-119

1 OF 1



FLOOR PLAN

SCALE: 1/4" = 1'-0"

250 SF. COVERED DECK

56 SF UNCOVERED DECK

306 SF

City of Susanville Received

MAY 17 2022

BUILDING & PLANNING

RESOLUTION NO. 22-1104

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING VARIANCE APPLICATION NUMBER VA #22-004 TO ALLOW A REDUCED FRONT YARD SETBACK FROM 20FT. TO 12FT. TO ACCOMMODATE A PROPOSED COVERED PORCH ENTRYWAY

WHEREAS, Steve Zarick is requesting a Variance to reduce the R-1 (Single Family Residential Zoning District) required front yard setback from 20ft. to 12ft. to accommodate a proposed covered porch entryway located at 555 Spruce Street, Assessor's Parcel Number 105-050-004-000; and

WHEREAS, the Susanville Planning Commission at a public hearing held during its regular meeting on May 24, 2022, considered both written and oral comments presented concerning the proposed project as required by City Code Section 17.112.20 E; and

WHEREAS, the Variance proposal will not negatively affect line of sight safety for the residence, neighboring residences, or residential traffic; and

WHEREAS, the City of Susanville Planning Division has determined that the project is Categorically Exempt under Article 19, Section 15303 of the CEQA guidelines;

NOW, THEREFORE, the City of Susanville Planning Commission:

- A. Makes the following findings:
1. That the proposed project is consistent with the General Plan and the Zoning Ordinance.
 2. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.

3. The conditions imposed upon approval of this use are necessary to further the public health, safety, peace comfort and general welfare of the city.
- B. Approves the Variance (VA #22-004) for Steve Zarick in accordance with the building layout plan, "CITY OF SUSANVILLE RECEIVED April 18, 2022, and May 17, 2022, BUILDING AND PLANNING" and included in the attached staff report, except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Obtain a building permit from the City Building and Planning Division for the proposed covered porch.

GENERAL

2. This permit will become null and void if the approved use has not begun within one year from the date of adoption of this resolution unless an extension of the life of the permit is approved by the Planning Commission. It is the applicant's responsibility to request an extension within a reasonable time frame, if needed.
3. Approval of this Variance is contingent upon the establishment, maintenance, and operation of the subject use not being detrimental or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use.
4. Any modifications to the submitted Variance proposal after approval by the Planning Commission shall require for a New Variance application.
5. Compliance with Chapter 17.12 et seq. shall be required prior to a final inspection for the proposed addition by the City of Susanville Building Inspector.

APPROVED: _____
Wayne Jambois, Chairperson
Planning Commission
City of Susanville, State of California

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

The foregoing Resolution was introduced and adopted at a special meeting of the Susanville Planning Commission held on the 24th 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 24, 2022

SUBJECT: Consider **Resolution No. 22-1105**, approving the issuance of a Nuisance Abatement Order for 509 Woodside Way

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: On or about June 2020, Code Enforcement staff began receiving complaints regarding the property at 509 Woodside Way. The complaints alleged violations of the Property Maintenance Ordinance (Ordinance No. 17-1011). A diseased and/or dead tree was verified to exist within the front yard setback of the property which is considered to be a public nuisance pursuant to this ordinance. Unfortunately, the owner of record passed away in 2016. Furthermore, the structure at 509 Woodside Way was deemed to be a substandard structure pursuant to 17920.3 California Health and Safety Code in 2017 due to a lack of utility services for the structure.

Current Code Enforcement staff initiated a Code Enforcement case and began an investigation into the matter to track down an interested or responsible party for 509 Woodside Way. Notification was made to an adult child of the property owner in September 2021. A request to abate the public nuisance of the dead tree was requested to this person.

On or about March 2022, Code Enforcement staff continued to receive complaints regarding the condition of the tree and the increasing weeds within the front yard setback. Also, complaints were being received regarding the increased use of the structure by transients and that the structure was unsecured. The continued investigation supported the complaints received by the public and did verify the structure to be unsecured due to forced entry by transients. The structure had "Red Tags" reapplied to the structure to notify the public of the substandard nature of the structure and provided an order to not occupy the structure.

The issuance of a Nuisance Abatement Order will start the process that may allow for a resolution of the property in the future. The City of Susanville will continue to work with any interested party to bring a

resolution to this matter.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve **Resolution No. 22-1105**, approving the issuance of a Nuisance Abatement Order

ATTACHMENTS:

[Exhibit List - 509 Woodside Way.pdf](#)

[Staff_Report_509_Woodside_Way.docx](#)

[509 Woodside Wy Resolution.docx](#)

Exhibit List

City of Susanville Code Enforcement Hearing Board: Planning Commission

Hearing Date: May 24, 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: 509 Woodside Way Name of Property Owner: Cynthia Barney	
D	Redacted Citizen Complaint Forms	
E	Notice of Violation 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 509 Woodside Way	
H	Miscellaneous Documents: Notice of Violation from August 14, 2020	
I	Case Photographs	
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> - City determines there is a public nuisance. - City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. - Letter states the violations the City believes are creating the nuisance. - Responsible Party is given no less than 10 days (a reasonable period) to abate the nuisance - 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> 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> 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 abatement shall be charged against the	

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

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>	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 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.

5 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.

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

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

8 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.

9
10
11 **Section 3.** Chapter 8.32 Administrative Nuisance Abatement is hereby repealed and replaced with the following:

12 Chapter 8.32 Administrative Nuisance Abatement

13 8.32.010 Purpose.

14 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.

15 8.32.020 Applicability.

16 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.

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

18 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.

19 8.32.030 Definitions.

20 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.

21 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
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
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
21 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
22 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
or other items as required under this chapter shall be made by posting a notice in a conspicuous
27 place on or in front of the building, structure or property in question, as well as by any one of the
following methods:

28 (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
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
14 owner of the subject real property, may be enforced and collected through the placement of a lien
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
24 chapter may be charged with either an infraction or a misdemeanor.

25 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,
26 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
27 an infraction or a misdemeanor.

28 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
official or the building official.

8 B. "Responsible party" means any individual who is the owner or occupant of real
9 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
10 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
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
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
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
26 administrative remedies.

27 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
5 affect the validity of proceedings conducted hereunder unless the responsible party is denied
6 constitutional due process thereby

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

10 Chapter 8.52 Property Maintenance

11 8.52.010 Purpose and Intent of chapter.

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

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

26 8.52.020 Responsibilities for property maintenance.

27 Every owner, lessee, occupant or person having charge or control of buildings, structures or
28 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:

- 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:

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

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

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

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

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

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

26 E. Storage or scattering over any portion of the property of any of the following:

27 1. Debris, rubbish, rubble, construction debris, litter or trash which is not stored in trash
28 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.

1
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

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

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

15.09.100 - Quarterly monitoring fee.

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

B. Fee Imposed. A quarterly monitoring fee in an amount of \$250 may be imposed upon every owner of a neglected vacant building in violation of this chapter. The quarterly 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 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 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.

C. Notice and Procedures. The vacant building monitoring fee shall be billed to the owner of the property. Notice shall be served either personally, by first class mail, or by certified 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 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 can show 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 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.

D. The owner of a vacant building shall not allow or cause any use of the property or 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.

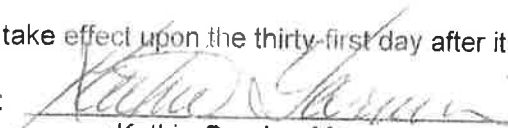
Sections 15.10.040 through this section shall not restrict, limit or otherwise inhibit any power or authority for ordering summary abatement of dangerous and hazardous conditions invested in the City of Susanville fire chief under the California Fire Code or other provisions of law.

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.

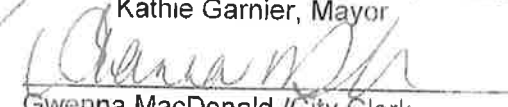
Section 9. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, it being expressly declared 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

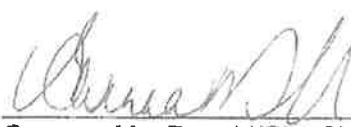
ATTEST:


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	Notification of Nuisance 1. Manner Served: PHYSICAL POSTING 2. Served On: CYNTHIA BARNEY 3. Date of Service: SEPTEMBER 3, 2021 4. Compliance Deadline Stated in Notice: OCTOBER 3, 2021	10 <i>CA</i>	30 <i>CA</i>	9-3-21 <i>CA</i>	10-3-21 <i>CA</i>	10-15-21 <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 13, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 24, 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>CA</i>	41 <i>CA</i>	4-13-22 <i>CA</i>	5-13-22 <i>CA</i>	5-25-22 <i>CA</i>
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 24, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	10 <i>CA</i>	11 <i>CA</i>	5-13-22 <i>CA</i>	5-13-22 <i>CA</i>	5-25-22 <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:	5 <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: 509 Woodside Wy Owner's Name: Cynthia Barney Phone No.: Vacant - RED TAG

Tenant ☐ Yes or ☒ No



LIST 1

DETAIL

☒ 1 Property Address: 509 WOODSIDE WAY SUSANVILLE CA**Ownership**

County: **LASSEN, CA**
 Assessor: **NICK CEAGLIO, ASSESSOR**
 Parcel # (APN): **103-023-025-000**
 Parcel Status: **ACTIVE**
 Owner Name: **BARNEY CYNTHIA J**
 Mailing Address: **740 CAMERON WAY SUSANVILLE CA 96130**
 Legal Description: **NO FWD ADD PER 2019 P O LIST**

Assessment

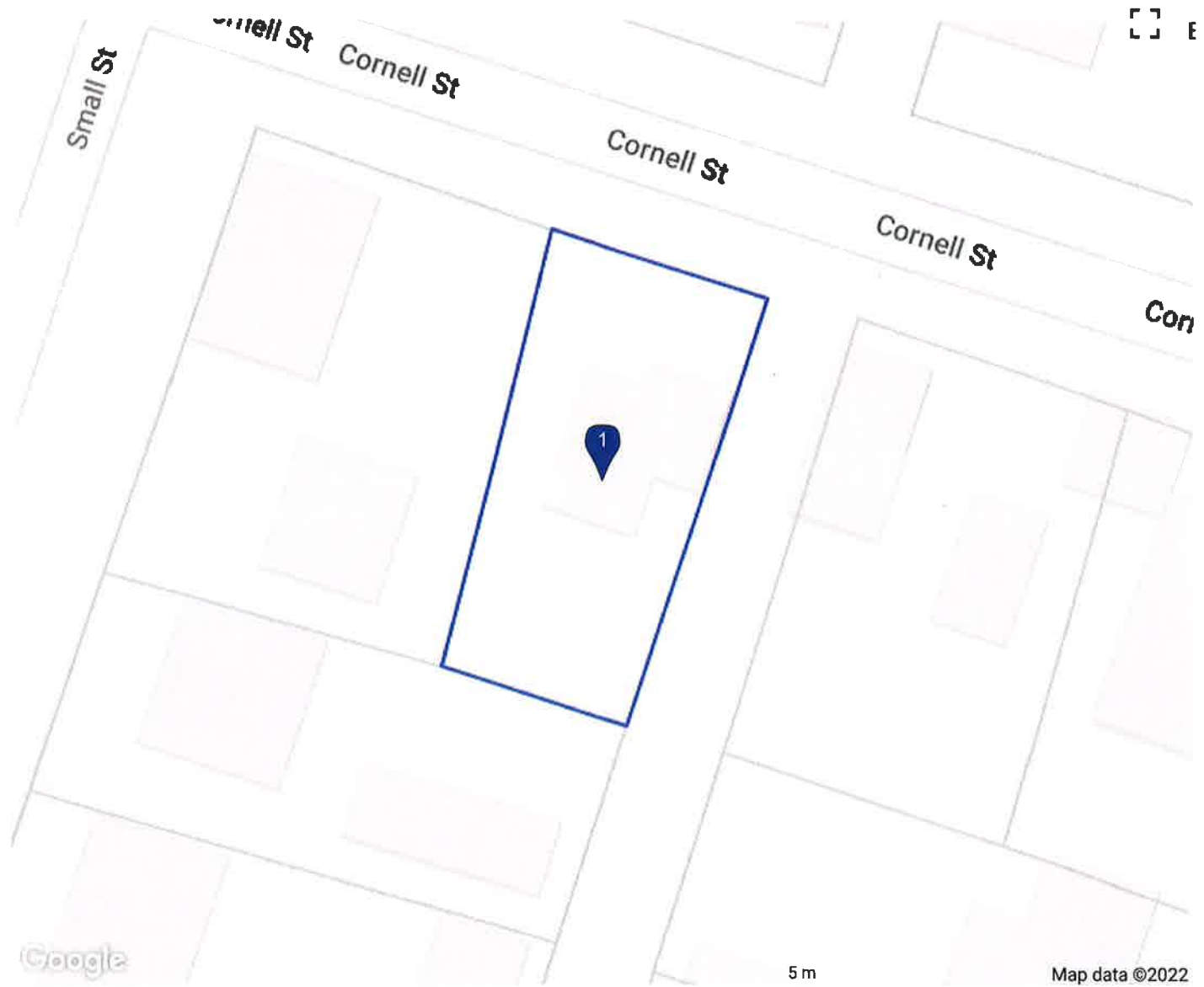
Total Value: \$122,374	Use Code: N1XX	Use Type: RESID. SINGLE FAMILY
Land Value: \$33,991	Tax Rate Area: 001-000	County Zoning:
Impr Value: \$88,383	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$1,312.72	Price/SqFt:
% Improved: 72%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				07/12/2012
Document Number:				2012R0003545
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms: 3	Fireplace:	Units:
Baths (Full): 2	A/C:	Stories:
Baths (Half):	Heating:	Quality: 6.0
Total Rooms:	Pool:	Building Class: D
Bldg/Liv Area: 1,118	Park Type: GARAGE/CARPORT	Condition:
Lot Acres:	Spaces: 1	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built: 1962		Ag Preserve:
Effective Year: 1962		



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CITY OF SUSANVILLE

EXHIBIT 'D'

Building & Planning Division

66 North Lassen Street
Susanville, CA 96130
(530) 252-5117
www.cityofsusanville.org



Susanville Fire Department

1505 Main Street
Susanville, CA 96130
(530) 257-5152
www.fire@cityofsusanville.org

COMPLAINT FORM - CONFIDENTIAL - INTERNAL USE ONLY

Property address of alleged violation: 509 Woodside Way

Name of person submitting the complaint: _____
(please leave blank if you wish to remain anonymous)

Nature of Complaint: over grown weeds that are not in compliance with current abatement standards

City of Susanville Received

OFFICE USE ONLY

AUG 04 2021

Received by: RME
BUILDING & PLANNING

Date: _____

Investigation Report:

Report referred to Fire Dept for weed abatement
Valid complaint Dead Tree and Weeds

Comments:

Pending Status
Notice of Violation issued on 9/3/21, No movement / No "owner"

Closed Case on: _____

Case Reviewed By: Cathy Hoff

Date: 8-4-21

CODE ENFORCEMENT COMPLAINT FORM

Building & Planning Division 66 N Lassen Street Susanville CA 96130

Date of Complaint: 8/23/21

Address of Alleged Violation: 509 woodsicle Way Susanville

☒ Owner ☐ Tenant ☐ Unknown

Nature of Complaint

☐ Health & Safety ☒ Landscape ☐ Building/Remodeling without a Permit

Describe the Alleged Violation

8.32.050 A-4. neglected / abandoned
House

Name of Person Submitting Complaint:

Date:

Contact No.:

Office Use Only

Complaint Referred To: ☐ Admin ☐ Planning ☐ Building ☐ Fire Dept. ☐ Public Works ☐ Police

When finished investigating this complaint please return all documents to the Permit Technician

Case Reviewed By: [Signature]

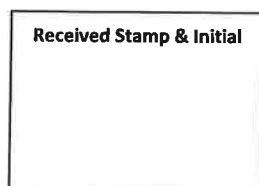
Date Of Review: 8/24/21

Investigation Report:

"Pending Case" Referred to Fire Dept re - Woods, dead tree.
House is RED TAGGED.
9/3/21 - NOTICE OF VIOLATION SENT CE# 2021-044

☐ Pictures ☐ Letter Sent ☒ Referred to another agency ☐ No violation found

☐ Follow up in 10 days ☐ Investigation Closed Date: _____



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

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Cynthia Barney
509 Woodside Wy
Susanville CA
96130

Estate of Cynthia Barney
509 Woodside Wy
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 509 Woodside Way / Susanville / Lassen / CA.

[] (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 Lotina
Printed Name of Person Serving Documents

Cody Lotina
Signature of Person Serving Documents



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]

September 3, 2021

To the Estate of Cynthia Barney
509 Woodside Way
Susanville, California 96130

RE: 509 Woodside Way, Susanville, CA 96130
APN: 103-023-025-000

To whom it may concern:

The City of Susanville has received multiple complaints regarding the above-mentioned property. Complaints allege violations of city ordinances and conditions that have created a public nuisance and has interfered with the general peace of the neighborhood. Based on public complaints and on an inspection of the property, the City of Susanville has declared a public nuisance upon the property located at 509 Woodside Way, Susanville, California 96130. The declaration of public nuisance is pursuant to the City of Susanville Property Maintenance Ordinance of 2017 (Ord. 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.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra



City of Susanville

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

Based on a current inspection of the property located at 509 Woodside Way, the following violations exist:

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:

(B)(2): Vegetation, trees, landscaping or other plant materials which are subject to any of the following conditions: Dead, decayed, diseased, hazardous or in such a condition that they are or are likely to be injurious to the public health, safety, and welfare or have a tendency to depreciate the appearance and property values of surrounding properties.

Actions to Correct Violations

1. Remove the dead tree in the front yard
2. Remove weeds from front yard area

Failure to remedy the declared public nuisance within 10 days of receipt of this letter may result in administrative action as authorized by Chapter 8.32, and/or, Chapter 8.40 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 Hererra

CITY OF SUSANVILLE

EXHIBIT 'F'

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

On 4-15-22 (date), I served the foregoing document(s) described as:

Notice of Public Hearing & Intention to Abate

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

JUSTIN BARNEY

c/o Morning Glory

475-620 RICHMOND 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: 4-15-22

Cody Loftin

Printed Name of Person Serving Documents

Cody Loftin

Signature of Person Serving Documents

City of Susanville

Proof of Service

[Non-judicial Action]

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

Notice of Public Hearing + Intention to Abate.

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Justin Burney

509 Woodside Way

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 509 Woodside Way 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

Justin Barney
509 Woodside Wy.
Susanville, CA 96130

RE: 509 Woodside Way (APN: 103-023-025-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-044

Dear Justin Barney:

On September 3, 2021, a Notice of Violation was served on you, by physical posting of property, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated September 3, 2021, declared a public nuisance upon the property of 509 Woodside Way Street and ordered you to abate the nuisance by September 13, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 509 Woodside Way has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 13, 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 May 24, 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 509 Woodside Way and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 509 Woodside Way, 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 May 24, 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 13, 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 509 Woodside Way the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(4) | SMC: Maintain Neglected Vacant Bldg. pursuant to Ch. 15.09 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/Siding, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (A)(5) | SMC: Property Maintenance – Defective shed, etc. |
| • 8.52.030 (B)(1) | SMC: Property Maintenance – Overgrown vegetation |
| • 8.52.030 (B)(2) | SMC: Property Maintenance – Dead Tree |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 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 inspection to clear building of substandard designation.
- Remove the shed from the property
- Repair any defective portion of the fence, doors, or windows. Prior to commencing any work check with the Building Department to the requirement of any permit.
- Obtain any necessary permit through the Building Department
- Clear property of overgrown vegetation and remove the dead tree from the front yard
- 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 May 24, 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 13, 2022**.

Please note that the intent to abate public nuisances upon the property of 509 Woodside Way 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
66 N. Carson St.
Susanville CA 96130

CERTIFIED MAIL



7019 1640 0002 0101 3355

FIRST-CLASS
US POSTAGE
ZIP 96130
02 7H
0006048305 APR 13 2015
\$ 008.51

4606
4/14

Justin Barney
509 Wardside Wy.
Susanville CA 96130

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 \$ **3.35**

Extra Services & Fees (check box and fee if applicable)

☒ Return Receipt (hardcopy)	\$ 2.85
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage \$ **17.16**

Total Postage and Fees \$ **20.51**

Sent To **Justin Barney**

Street and Apt. No., or PO Box No. **509 Wardside Wy**

City, State, ZIP+4[®] **Susanville CA 96130**

PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions

7019 1640 0002 0101 3355



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

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

Notice of Public Hearing + Intention to Abate.

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Justin Barney

509 Woodside Wy

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 509 Woodside Wy Susanville/Calif.

☐ (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

Justin Barney
509 Woodside Wy.
Susanville, CA 96130

RE: 509 Woodside Way (APN: 103-023-025-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-044

Dear Justin Barney:

On September 3, 2021, a Notice of Violation was served on you, by physical posting of property, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated September 3, 2021, declared a public nuisance upon the property of 509 Woodside Way Street and ordered you to abate the nuisance by September 13, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 509 Woodside Way has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 13, 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 May 24, 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 509 Woodside Way and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 509 Woodside Way, 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 May 24, 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 13, 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 509 Woodside Way the following violations of the Susanville Municipal Code were noticed:

- | | |
|-------------------|---|
| • 8.32.050 (A)(2) | SMC: Nuisance – Substandard/Dangerous Building |
| • 8.32.050 (A)(4) | SMC: Maintain Neglected Vacant Bldg. pursuant to Ch. 15.09 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/Siding, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (A)(5) | SMC: Property Maintenance – Defective shed, etc. |
| • 8.52.030 (B)(1) | SMC: Property Maintenance – Overgrown vegetation |
| • 8.52.030 (B)(2) | SMC: Property Maintenance – Dead Tree |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 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 inspection to clear building of substandard designation.
- Remove the shed from the property
- Repair any defective portion of the fence, doors, or windows. Prior to commencing any work check with the Building Department to the requirement of any permit.
- Obtain any necessary permit through the Building Department
- Clear property of overgrown vegetation and remove the dead tree from the front yard
- 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 May 24, 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 13, 2022**.

Please note that the intent to abate public nuisances upon the property of 509 Woodside Way 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:

- 509 Woodside Way

The Public Hearing will be held on Tuesday May 24, 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 May 18, 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'

CITY OF SUSANVILLE

EXHIBIT 'H'



City of Susanville

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

August 14, 2020

Cynthia J Barney
740 Cameron Way
Susanville, CA 96130-6020

RE: 509 Woodside Way-Dead Tree/Public Nuisance.
APN: 103-023-25-11

To who it may concern;

This letter is to inform you that the City of Susanville has become aware of a dead tree on the above-mentioned property (see photo included with this letter). Pursuant to the City of Susanville Municipal Code Section 8.52.030 (B), (c), (e), (2), and (a), "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:

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;
 - 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;

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

- b. Create a fire hazard or health hazard.

Failure to remove the dead tree from the subject property within 30 days of receipt of this letter could result in administrative citations pursuant to the City of Susanville Municipal Code Section 8.40.060 (D), (E). The City of Susanville appreciates your cooperation regarding this issue. If you have questions regarding this letter, please contact Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement



CITY OF SUSANVILLE

EXHIBIT 'I'



August 4, 2021 4:26p.m.



August 4, 2021 4:26p.m.



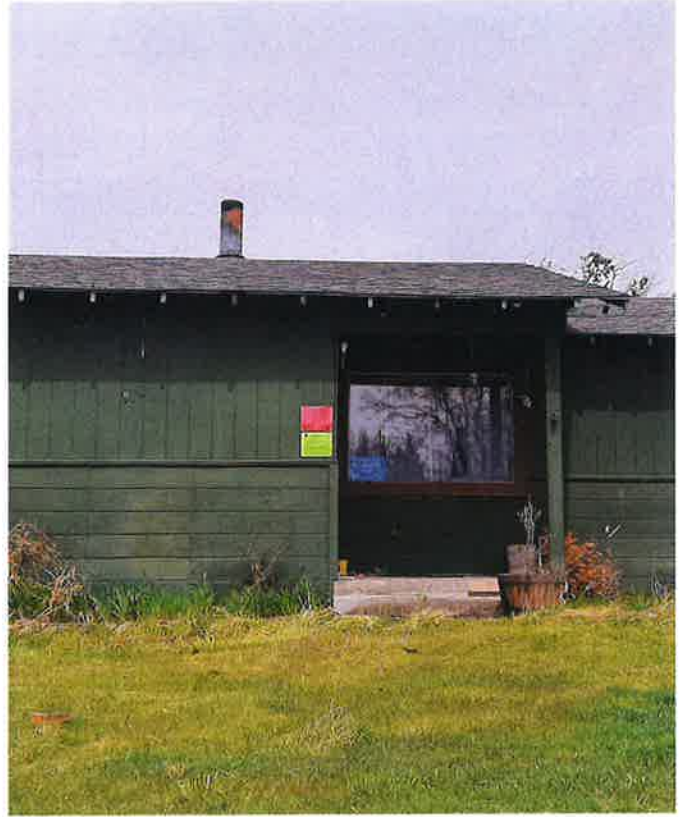
August 4, 2021 4:29p.m.



August 4, 2021 4:29p.m.



February 11, 2022 1:49p.m.



April 14, 2022 12:31p.m.



April 14, 2022 12:31p.m.



April 14, 2022 12:31p.m.

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

Nuisance Abatement Order

City of Susanville,

Petitioner

Hearing: May 24, 2022 at 6:30 p.m. in

Council Chambers

66 North Lassen Street

Susanville, CA 96130

v

The Estate of Cynthia Barney,
All Parties with Interest in 509
Woodside Way

Respondent

1. This proceeding was heard:

- a. On May 24, 2022 at 6:30 p.m. in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. by 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 James 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 13, 2022 and served on Respondent, The Estate of Cynthia Barney and all interested parties to 509 Woodside Way by Certified Mail on April 13, 2022, and posted on the structure at 509 Woodside Way on April 14, 2022.
- e. Present at the hearing where:

- i. Cody Loflin, Code Enforcement 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. The Estate of Cynthia Barney is the owner of and responsible party for the property located at 509 Woodside Way.
3. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way were properly served with a Notice of Violation on September 3, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way 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 509 Woodside Way 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 509 Woodside Way is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must abate the public nuisance at 509 Woodside Way by doing the following at 509 Woodside Way:
 - a. Remove the diseased and/or dead tree from the front yard setback of the property at 509 Woodside Way by 11:59 p.m. on June 27, 2022. Prior to commencement of any work involving the tree, an inquiry shall be made to the Susanville Public Works Department to verify if an Encroachment Permit is required prior to work.

- 1 b. Clear property of weeds and rubbish prior to the established deadline of the City
2 Council for the abatement of Weeds and Rubbish which shall be by 11:59 p.m. on
3 June 27, 2022.
- 4 c. Remove any limbs or damaged portions of trees in the rear of the property. This
5 work shall be completed by 11:59 p.m. on June 27, 2022.
- 6 d. Secure the structure to prevent the illegal habitation of unauthorized persons.
- 7 e. Maintain the vacant structure in accordance with the Property Maintenance
8 Ordinance and adhere to the provisions of Chapter 9.09 of the Susanville
9 Municipal Code which regulates the Neglected Vacant Building program.
- 10 f. Have no further violations of the Susanville Municipal Code while under the
11 jurisdiction of the Susanville Planning Commission.
- 12 2. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must fully
13 abate this public nuisance no later than June 27, 2022.
- 14 3. The Estate of Cynthia Barney and all interested parties to 509 Woodside Way must obtain
15 any and all required permits that may be required to abate the public nuisance at 509
16 Woodside Way.
- 17 4. After The Estate of Cynthia Barney and all interested parties to 509 Woodside Way abates
18 the nuisance at 509 Woodside Way, The Estate of Cynthia Barney and all interested
19 parties to 509 Woodside Way must contact the Building and Planning Department at the
20 City of Susanville and request that an official at the City of Susanville inspect the
21 condition of the property and buildings at 509 Woodside Way to determine if the public
22 nuisance was abated.
- 23 5. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not
24 abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, the City of
25 Susanville may have the property at 509 Woodside Way abated.
- 26 6. If The Estate of Cynthia Barney and all interested parties to 509 Woodside Way do not
27 abate the public nuisance at 509 Woodside Way by 11:59 pm on June 27, 2022, an
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1 administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal
2 Code shall be assessed as followed:

- 3 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
4 with.
- 5 b. Effective from March 1 , 2022
- 6 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
7 costs and interest.
- 8 d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.

- 9 7. All costs of the City's abatement efforts, including the abatement work and administrative
10 time to investigate and to hear and effect the abatement shall be charged against The
11 Estate of Cynthia Barney and all interested parties to 509 Woodside Way as a personal
12 debt or may be assessed upon 509 Woodside Way and will constitute a lien or special
13 assessment upon the property unpaid.
- 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 The Estate of Cynthia Barney and all interested parties to
23 509 Woodside Way do not abate the nuisance at any time within the abatement period,
24 the City may proceed with the abatement itself under the provisions of section 8.32.190 of
25 the City of Susanville Municipal Code without further action of the hearing board. The
26 City of Susanville may also recover all of its abatement effort costs as provided for in the
27 City of Susanville Municipal Code.
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Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

DRAFT

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 24, 2022

FILE NUMBER	CE#2021-044		
OWNER	Cynthia Barney		
REQUEST	Issuance of a Nuisance Abatement Order		
ASSESSOR'S PARCEL NO.	103-023-025-000		
LOCATION	509 Woodside Way		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-1	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1 O-S	Residential Open Space
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

On or about November 2016, the property owner of 509 Woodside Way, Cynthia Barney passed away. The structure has remained vacant since her passing. Due to not having a will and a multitude of liens recorded against the property, the living adult children have been unable to navigate the property through the legal channels to transfer ownership of the property. While the property has been vacant, the conditions of the property have deteriorated below the minimum standards as outlined in the Susanville Property Maintenance Ordinance. The property has received multiple complaints regarding the overall unkempt appearance, a diseased or dead tree in the front yard, and the use of the main structure by transients. The main structure itself has been deemed a substandard structure pursuant to California Health & Safety Code 17920.3 due to a lack of sanitation and sanitary utilities.

According to the case file the following letters have been sent to the property owner's estate and to any interested party in order to cause notice of the existence of a nuisance and requested the abatement of said nuisance.

- Notice of Violation issued by Kelly Mumper, City Planner, on August 14,

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 § 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 if surrounding property.

- 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 (M) SMC: Maintenance of buildings, structures or premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code 3480 or other applicable law.

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

RECOMMENDATION:

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

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

RESOLUTION NO. 22-1105
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 509
WOODSIDE WAY

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 No. 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, conditions upon the property located at 509 Woodside Way constitute a public nuisance pursuant to Ordinance No. 17-1011.

WHEREAS, the City of Susanville adopted Chapter 8.32 of the Susanville Municipal Code to administer the abatement of public nuisances within the City of Susanville.

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of May 24, 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 509 Woodside Way are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Cynthia Barney is the owner of record for the property of 509 Woodside Way
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owner and any person with interest in the property to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 509 Woodside Way subject to the terms, agreements, and conditions as follows:

- 1. Shall remove the diseased and/or dead tree from the front yard setback of the property by 11:59 p.m. on June 27, 2022.
- 2. Shall remove all weeds and rubbish from the property by 11:59 p.m. on June 27, 2022.
- 3. Shall remove all limbs or any other broken or damaged trees in the rear of the property by 11:59 p.m. on June 27, 2022.
- 4. Shall secure the structure to prevent the illegal habitation of unauthorized persons by 11:59 p.m. on June 27, 2022.
- 5. Shall maintain the property in accordance with the Susanville Municipal Code as outlined in the Neglected Vacant Building Chapter – Chapter 15.09.
- 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. 22-1105 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 24th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 24, 2022

SUBJECT: Consider **Resolution No. 22-1106**, approving the issuance of a Nuisance Abatement Order for 1502 Cornell Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 1502 Cornell Street has been declared a substandard building pursuant to California Health and Safety Code 17920.3 due to condition of the building and the lack of sanitary services for the structure. The Susanville Municipal Code declares all substandard buildings to be public nuisances. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisance within the City of Susanville.

The structure has been a source of criminal activity and has been frequented by the transient population which has caused multiple reports to the city's public safety departments over the last several years. This property was subject to nuisance abatement proceedings in 2018, with the issuance of two inspection warrants. The condition of the property has improved since the 2018 efforts, but has remained a nuisance.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve **Resolution No. 22-1106**, approving the issuance of a Nuisance Abatement Order.

ATTACHMENTS:
[Exhibit List - 1502 Cornell Street.pdf](#)
[1502_Cornell_Street_Resolution.docx](#)
[Staff_Report_1502_Cornell_St.docx](#)

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 24, 2022

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance into Sections	
B	ParcelQuest Property Information Property Address: 1502 Cornell Street Property Owner: Thomas & Shannah Glenn	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table	
D	Notice of Public Nuisance dated May 19, 2021	
E	Notice of Violation dated February 18, 2022 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 1502 Cornell Street	
H	City of Susanville Demolition Permit # 22173	
I	Case Photographs	
J	Susanville Police Department Incident Reports	

Exhibit List
City of Susanville Code Enforcement
Hearing Board: Planning Commission
Hearing Date: May 24, 2022

K	Lassen County Superior Court Warrant 18-23 Inspection Warrant from previous case in 2018	
L	Lassen County Superior Court Warrant 18-24 Inspection & Abatement Warrant from 2018 Case	
M	Draft Order – 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 8.52.060, 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 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. 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 abatement shall be charged against the	
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.		

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

		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. <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>	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'



LIST 1

DETAIL

☒ 1 Property Address: 1502 CORNELL ST SUSANVILLE CA**Ownership**

County: **LASSEN, CA**

Assessor: **NICK CEAGLIO, ASSESSOR**

Parcel # (APN): **105-262-002-000**

Parcel Status: **ACTIVE**

Owner Name: **GLENN THOMAS A & SHANNAH L**

Mailing Address: **472-309 JOHNSTONVILLE RD SUSANVILLE CA 96130**

Legal Description:

Assessment

Total Value: \$37,676	Use Code: N1XX	Use Type: RESID. SINGLE FAMILY
Land Value: \$24,788	Tax Rate Area: 001-033	County Zoning:
Impr Value: \$12,888	Year Assd: 2021	Census Tract:
Other Value:	Property Tax: \$440.84	Price/SqFt:
% Improved: 34%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	01/06/2005			01/06/2005
Document Number:	2005R0000107			2005R0000107
Document Type:	GRANT DEED			
Transfer Amount:				
Seller (Grantor):	GLENN, THOMAS A & SHANNA			

Property Characteristics

Bedrooms:	2	Fireplace:	Units:
Baths (Full):	2	A/C:	Stories:
Baths (Half):		Heating:	Quality: 4.0
Total Rooms:		Pool:	Building Class: D
Bldg/Liv Area:	707	Park Type:	Condition:
Lot Acres:		Spaces:	Site Influence:
Lot SqFt:		Garage SqFt:	Timber Preserve:
Year Built:	1920		Ag Preserve:
Effective Year:	1920		

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: THOMAS & SHANNAH GLENN 3. Date of Service: FEBRUARY 18, 2022 4. Compliance Deadline Stated in Notice: MARCH 15, 2022	10 OK	25 OK	2-18-22 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 13, 2022 4. Date of Public Hearing (must be at least 10 days after abatement period expires): MAY 24, 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 OK	4-13-22 OK	5-13-22 OK	5-25-22 OK
3	Nuisance Abatement Hearing 1. Date of Hearing: MAY 24, 2022 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers	10 OK	11 OK	4-13-22 OK	5-24-22 OK	5-25-22 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):					

Tenant ☐ Yes or ☒ No

Phone No.:

Owner's Name:

Address: **1502 CORNELL ST.**

VACANT - RED TAG

CITY OF SUSANVILLE

EXHIBIT 'D'



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]

May 19, 2021

Thomas & Shannah Glenn
472-309 Johnstonville Rd.
Susanville, California 96130

RE: 1502 Cornell Street, Susanville, CA 96130
APN: 105-262-002-000

Dear Thomas & Shannah Glenn:

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.

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:

- (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:

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

- (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
- (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.
- (5) Broken or defective elements of a buildings, 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.
- (D) Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals.
- (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 California Civil Code Section 3480 or other applicable law.

Actions to Correct Violations

1. Secure the structure – board all access points to prevent the illegal habitation. Further information may be found in Chapter 15.09 of the Susanville Municipal Code relating to the Neglected Vacant Building code.
2. Repair or Demolish fencing on the property
3. Repair or Demolish building – Building will continue to maintain a public nuisance declaration until the building is brought up to a condition that is not substandard or dangerous or the building is completely removed.

Timeline

All public nuisances shall be corrected by May 31, 2021, which corresponds to a correction period of no less than ten days.

Failure to comply with this notice or to correct any nuisance upon the property may result in enforcement actions. Enforcement actions may include and are not limited to the issuance of a nuisance abatement order, issuance of an administrative citation, civil or criminal prosecution.

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,

A handwritten signature in black ink, appearing to read "Cody Loflin", written in a cursive style.

Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE

EXHIBIT 'E'

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

On FEB 18, 22 (date), I served the foregoing document(s) described as:

Notice of Violation

Ordinance 17-1011

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Thomas + Shannah Glenn

472-309 Johnsville 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: 2-18-22

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 Susanville Property Maintenance Ordinance (2017)

[Ord. 17-1011]

February 18, 2022

Thomas & Shannah Glenn
472-309 Johnstonville Rd.
Susanville, California 96130

RE: 1502 Cornell Street, Susanville, CA 96130

APN: 105-262-002-000

Dear Thomas & Shannah Glenn:

The City of Susanville has received multiple complaints regarding the condition of real property located at 1502 Cornell Street, Susanville, California 96130. The complaints have alleged the illegal habitation of the vacant substandard dwelling by transients, and the overall dilapidated nature of the building. Code Enforcement staff conducted a site inspection on February 18, 2022. Code Enforcement staff witnessed that the dwelling was occupied and requested the assistance of the Susanville Police Department. Two individuals were contacted by the Susanville Police Department and cited for the illegal occupation and habitation of a "Red Tagged" structure. Code Enforcement notated the condition of the property and posted additional "Do Not Occupy Unsafe to Enter" notices upon the premises.

The City of Susanville maintains the declaration of a public nuisance for the property at 1502 Cornell Street. The declaration is made pursuant to the Susanville Property Maintenance Ordinance No. 17-1011, Chapters 8.32, 8.52, and 15.09 of the Susanville Municipal Code, and Section 17920.3 California Health & Safety Code.

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.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Herrera

Based on a current inspection of the property located at 1502 Cornell Street, the following violations exist:

- 8.52.030 (A)(1)(a) SMC : Property Maintenance / Siding
- 8.52.030 (A)(1)(b) SMC : Property Maintenance / Windows & Doors
- 8.52.030 (A)(1)(c) SMC : Property Maintenance / Painted Surfaces
- 8.52.030 (A)(3) SMC : Property Maintenance / Fences
- 8.52.030 (A)(5) SMC : Property Maintenance / Broken Elements
- 8.52.030 (D) SMC : Property Maintenance / Attractive Nuisance
- 8.52.030 (M) SMC : Property Maintenance / Hazard Structure

Pursuant to Susanville Municipal Code 8.32.060 and 8.40.060 you are directed to abate the declared public nuisance contained 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:

- (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:
 - (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
 - (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.

- (5) Broken or defective elements of a buildings, 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.
- (D) Attractive nuisances, those objects which, by their nature and according to the law, may attract children or other curious individuals.
- (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 California Civil Code Section 3480 or other applicable law.

Actions to Correct Violations

1. Secure the structure – board all access points to prevent the illegal habitation. Further information may be found in Chapter 15.09 of the Susanville Municipal Code relating to the Neglected Vacant Building code.
2. Repair or Demolish fencing on the property
3. Repair or Demolish building – Building will continue to maintain a public nuisance declaration until the building is brought up to a condition that is not substandard or dangerous or the building is completely removed.
4. Comply with the Susanville Municipal Code
5. Shall not have any violation of the Susanville Municipal Code for a 12-month period.

Pursuant to Susanville Municipal Code 8.32.060 and 8.40.060 you are directed to abate the declared public nuisance contained herein by March 15, 2022

Timeline

All declared nuisances as defined by the Susanville Municipal Code and this notice shall be corrected by March 15, 2022. [Section 8.32.060, Section 8.40.060]

Failure to comply with this notice or to correct any nuisance upon the property may result in enforcement actions. Enforcement actions may include and are not limited to the issuance of a nuisance abatement order, issuance of an administrative citation, civil or criminal prosecution. [Chapters 1.12, 8.32, 8.36, 8.40 SMC]

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,

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:

Thomas + Shannah Glenn
472-309 Johnstonville Rd
Susanville CA 96130



9590 9402 5619 9274 8117 20

2. Article Number (Transfer from service label)

7019 1640 0002 0101 3393

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Adult Signature ☐ Registered MailTM ☐ Signature ConfirmationTM ☐ Restricted Delivery

B. Received by (Printed Name)

Susanville

C. Date of Delivery

7/16/15

D. Is delivery address different from item 1? ☐ Yes ☒ No

If YES, enter delivery address below:

472-309 Johnstonville Rd

Susanville CA 96130

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 MailTM
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature ConfirmationTM
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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 \$ *2.75*

Extra Services & Fees (check box, add amount)

☒ Return Receipt (hardcopy) \$ *2.75*

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ *1.70*

Total Postage and Fees \$ *8.00*

Sent To *Thomas + Shannah Glenn*

Street and Apt. No., or PO Box No. *472-309 Johnstonville Rd*

City, State, ZIP+4[®] *Susanville CA 96130*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

6666 7070 2000 0497 6702

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

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Thomas + Shamah Glenn

472-309 Johnsonville 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 1502 Cornell St. 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 Coffin
Printed Name of Person Serving Documents

Cody Coffin
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

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville, CA 96130

RE: 1502 Cornell Street (APN: 105-262-002-000)
Susanville, CA 96130
Code Enforcement Case # CE2022-020

Dear Thomas & Shannah Glenn:

On February 18, 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 18, 2022, declared a public nuisance upon the property of 1502 Cornell Street and ordered you to abate the nuisance by April 1, 2022.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 1502 Cornell Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **May 13, 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 May 24, 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 1502 Cornell Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 1502 Cornell 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 May 24, 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 13, 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 1502 Cornell 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)(4) | SMC: Maintain Neglected Vacant Bldg. pursuant to Ch. 15.09 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/Siding, etc. |
| • 8.52.030 (A)(3) | SMC: Property Maintenance – Fences/Walls – Hazards |
| • 8.52.030 (A)(6) | SMC: Property Maintenance – Trash/Debris within residence |
| • 8.52.030 (D) | SMC: Property Maintenance – Attractive Nuisance |
| • 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.
- Clear trash, rubbish, and debris from lot and from within the 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 May 24, 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 13, 2022**.

Please note that the intent to abate public nuisances upon the property of 1502 Cornell 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:

- 1502 Cornell Street

The Public Hearing will be held on Tuesday May 24, 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 May 18, 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

(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 Cornell Street
Susanville, CA 96130

RE: 1502 Cornell Street
Susanville, CA 96130
Code Enforcement Case # CE2022-020

Dear Resident, Property Owner, Interested Party:

The City of Susanville believes that a public nuisance exists upon the property of 1502 Cornell Street. If the nuisance is not abated by May 13, 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 Tuesday May 24, 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 May 18, 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 Herrera

CITY OF SUSANVILLE

EXHIBIT 'G'



April 14, 2022 @ 4:10 p.m.

CITY OF SUSANVILLE

EXHIBIT 'H'

Permit Number 22173

CITY OF SUSANVILLE, BUILDING DIVISION
66 NORTH LASSEN STREET, SUSANVILLE, CA 96130-3109
(530) 252-5117 - FAX (530) 257-4725

WWW.CITYOFSUSANVILLE.ORG

BUILDING PERMIT & APPLICATION

Is the structure a manufactured home? ☐ Yes ☒ NO Is this commercial? ☐ Yes ☒ No Email Address _____Project Property Owner's Name: Shannon Glenn Phone No.: _____Project Property Address: 1502 Cornell St A.P.N.: 105-262-002-000Project Description: DemoSq. Ft. of Building: 900 Sq. Ft. of Garage: _____ Sq. Ft. of Other: _____ Project Value: _____

Zoning _____ Flood Plain _____

IDENTIFY WHO WILL PERFORM THE WORK

This permit is to be issued in the name of the:

☐ Licensed Contractor (Complete Section 1A Only)☐ Authorized Agent (Complete Section 1B Only)☒ Owner Builder-the Property Owner as the permit holder of record who will be responsible and liable for the construction (Complete Section 1B Only)

1A - CALIFORNIA LICENSED CONTRACTOR'S DECLARATION

I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

Business Name: _____ CA. State License No. & Classification(s): _____

Business Mailing Address: _____

Business Phone No.: _____ City of Susanville Business License No.: _____

Do you maintain workers' compensation insurance? Yes / No Are you exempt from workers' compensation insurance? Yes / No

Name and Phone No. of primary project contact: _____

Signature of Contractor: _____ Date: _____

1B - OWNER-BUILDER'S DECLARATION

☒ I, as owner of the property, or my employees with wages as their sole compensation, will do ☒ all of or ☐ portions of the work, and the structure is not intended or offered for sale. (Section 7044, Business and Profession)☐ I, as owner of the property, am exclusively contracting with licensed Contractors to construct the project. (Section 7044, Business and Professions Code)☐ I am exempt from licensure under the Contractors' State License Law for the following reason: _____

Name and phone No. and/or email address of primary project contact: _____

Signature of Owner or Authorized Agent: [Signature] Date: 5/11/22IMPORTANT: This permit 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 of work is commenced. An extension shall be requested in writing and justifiable cause demonstrated. Section 105.5 California Building Code

FOR OFFICE USE ONLY

Building

Application Fee:	Fee:	Total Fee:	Plan Check Fee	Plan Difference
\$ <u>50.00</u>	\$ <u>153.00</u>	\$ <u>203.00</u>	\$	+/- \$

Electrical

Application Fee:	Fee:	Total Fee:	Fire Dep. Fees:
\$	\$	\$	\$

Mechanical

Application Fee:	Fee:	Total Fee:	Penalty Fees:
\$	\$	\$	\$

Plumbing

Application Fee:	Fee:	Total Fee:	Mitigation Fees:
\$	\$	\$	\$

Engineering Review Fee / Deposit: Fee\$ + \$1000 dep Total: \$

Description:

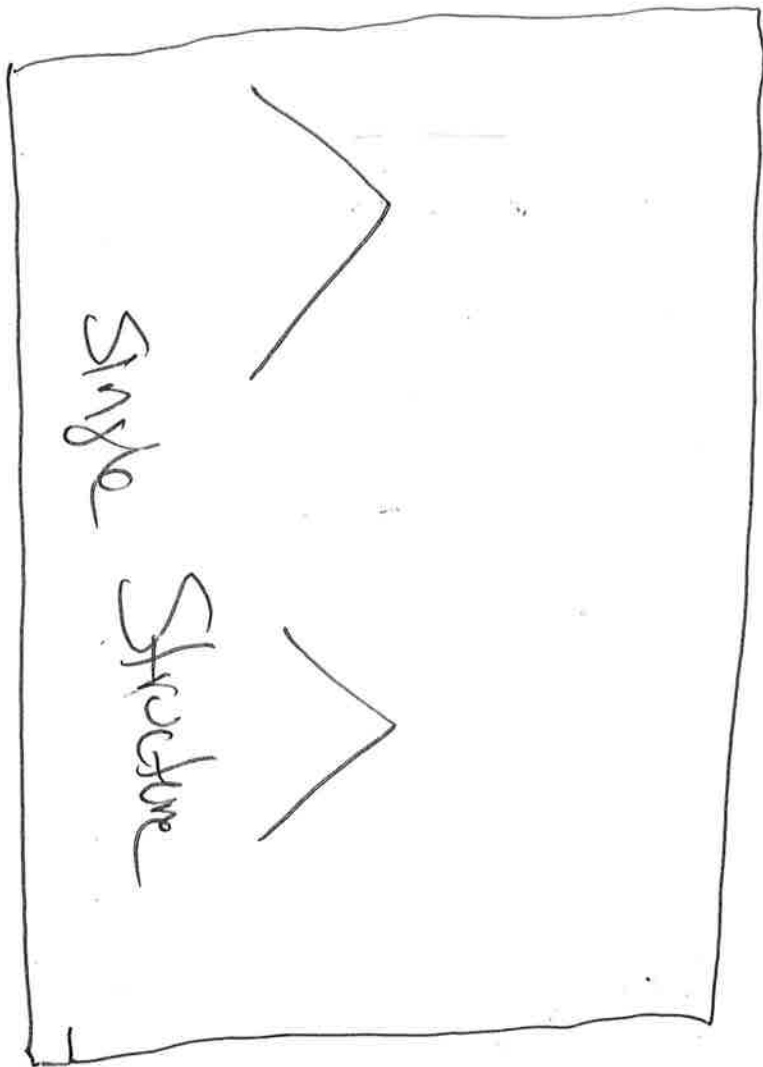
S.B. 1473 Fee:	S.M.I.P. Fee:	Impact Fees & Description:	Other Fee:
\$	\$	\$	\$

Total Permit Fee Due: \$ 203.00 Receipt No.: _____ Notes: _____Permit Issued By: Drew Davis Date: 5/11/22

Planner Signature: _____ Permit Final By: _____ Date: _____

Alley

Cornell



1507 Cornell

Ø
Text
Building

Fence

City of Susanville Received

MAY 17 2022

BUILDING & PLANNING



City of Susanville, Building Division

66 North Lassen Street, Susanville, CA 96130

Phone (530) 252-5118

Fax (530) 257-4275

Asbestos Demolition Declaration

Pursuant to Section 19827.5 of the State H&S code and Part 61, Title 40 CFR, every applicant for a demolition permit must complete this declaration relevant to Hazardous Air Pollutants upon application for demolition or renovation permit.

Applicant: Shannch Glenn

Permit #: 22173

Property Owner: Shannch Glenn

APN: 105-262-002-000

Check one: Owner ☒ Contractor ☐

C.S.L. # _____

For the Demolition or Renovation of single family residences or apartment buildings with four or fewer units or accessory structures to residential buildings. This does not include structures utilized for fire training, former residences used for commercial purposes, or being demolished for a private commercial or public project.

I hereby declare that a written Asbestos Demolition/Renovation Notification to the United States Environmental Protection Agency is not applicable to this demolition project. I hereby authorize representatives from this City to enter upon the property for inspection purposes. I declare under penalty of perjury that the foregoing is true and correct.

[Signature]
Signature of Property owner or Licensed Contractor

5/17/22
Date

For the Demolition/Renovation of ALL OTHER STRUCTURES.

_____ I have attached a copy of the Asbestos Demolition/Renovation Notification that was sent to U.S. EPA and California ARB.

I have read this declaration and state that the information is correct. I agree to comply with all City ordinances, State and Federal laws relating to demolition or renovation and hereby authorize representatives of this City to enter upon the property for inspection purposes. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Property Owner or Licensed Contractor

Date:



Permit #: 22173

Permit Type:

Address:

City:

State:

Zip:

Owner:

Owner Address:

Owner City:

Owner State:

Owner Zip:

Owner Phone:

Owner Email:

Receipt #: 876

Date: 05/17/2022

Paid By: Shannah Glenn

Description: BP 22173

Payment Type: Cash

Payment Type Description:

Accepted By: Ruth McElrath

Fees Paid

Fee Name	Account	Description	Factor	Total Fee Amount	Amount Paid
Senate Bill		\$1 for every \$25,000.00	0.00	0.00	0.00
Total:					\$0.00

CITY OF SUSANVILLE

EXHIBIT 'I'



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:11 a.m.



May 18, 2021 @ 10:12 a.m.



May 18, 2021 @ 10:12 a.m.



May 18, 2021 @ 10:13 a.m.



May 18, 2021 @ 10:13 a.m.



February 18, 2022 @ 10:19 a.m.



February 18, 2022 @ 10:19 a.m.



February 18, 2022 @ 10:19 a.m.



February 18, 2022 @ 10:19 a.m.



February 18, 2022 @ 10:19 a.m.

DO NOT ENTER

UNSAFE TO OCCUPY

*It is a misdemeanor to occupy this building,
or to remove or deface this notice.*

Building Official
City of Susanville

1501 CORNELL ST.
DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to
remove or deface this notice. Violation of California
Health & Safety Code Chapter 17920.3

Building Official
City of Susanville
530-252-5118

2-17-22

February 18, 2022 @ 10:19 a.m.



February 18, 2022 @ 10:20 a.m.



February 18, 2022 @ 10:20 a.m.



February 18, 2022 @ 10:20 a.m.



February 18, 2022 @ 10:20 a.m.



February 18, 2022 @ 10:20 a.m.



February 18, 2022 @ 10:21 a.m.



February 18, 2022 @ 10:21 a.m.



February 18, 2022 @ 10:21 a.m.



April 14, 2022 @ 4:09 p.m.



April 14, 2022 @ 4:09 p.m.

CITY OF SUSANVILLE

EXHIBIT 'J'



SUSANVILLE POLICE DEPARTMENT

Page 1

CAD INCIDENT REPORT

2101030019

05/19/2022

CONTROLLED DOCUMENT / DO NOT DUPLICATE

Location 1502 CORNELL ST				Cross Streets SMALL ST/ALEXANDER AV			City SUSANVILLE	
Incident Type SUSC - SUSPICIOUS CIRCUMSTANCE				Call Taker 646			Dispatcher	
Date 01/03/2021	Priority 3	Primary Unit	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL	
Caller Name [REDACTED]				Caller Address			Caller Phone	
Dispositions ADVISED					Weapon		Alm Level	Case Number
Vehicles					Associated Incidents			
Incident Times Received 17:41:59 Created 17:44:37 Dispatched En Route On Scene Closed 18:54:57 Rcvd-Closed 1:12:58		Special Circumstances						
		Persons		Sex	DOB	Race	DL	
Unit Times Officers Dispatched Enroute On Scene Clear Disp-On Scene Enrt-On Scene On Scene-Clear Disp-Clear								
Incident Comments RP STATED DOOR IS USUALLY OPEN AND SHE NOTICED DOOR JUST CLOSED IN THE LAST 15MIN. RP WOULD LIKE AN AREA CHECK								
TIME	#	EVENT						BY
17:44:37	1	Incident initiated at 1502 Cornell St, Susanville						646
18:54:57	2	Closed - Disposition AD						475



SUSANVILLE POLICE DEPARTMENT

Page 1

CAD INCIDENT REPORT

2101040041

05/19/2022

CONTROLLED DOCUMENT / DO NOT DUPLICATE

Location 1502 CORNELL ST				Cross Streets SMALL ST/ALEXANDER AV			City SUSANVILLE																																
Incident Type SUSC - SUSPICIOUS CIRCUMSTANCE				Call Taker 426			Dispatcher 426																																
Date 01/04/2021	Priority 3	Primary Unit P820	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL																																
Caller Name [REDACTED]				Caller Address [REDACTED]				Caller Phone [REDACTED]																															
Dispositions UNABLE TO LOCATE, UNABLE TO LOCATE					Weapon		Alm Level	Case Number																															
Vehicles					Associated Incidents																																		
Incident Times		Special Circumstances																																					
Received 21:00:31		<table><tr><td>Persons</td><td>Sex</td><td>DOB</td><td>Race</td><td>DL</td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>								Persons	Sex	DOB	Race	DL																									
Persons	Sex									DOB	Race	DL																											
Created 21:00:54																																							
Dispatched 21:02:25																																							
En Route																																							
On Scene 21:04:21																																							
Closed 21:08:36																																							
Rcvd-Closed 08:05																																							
Unit Times		Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear																													
P820		2446	21:02:25		21:05:14	21:08:36	02:49	N/A	03:22	06:11																													
P804		2088	21:04:13		21:04:21	21:08:36	00:08	N/A	04:15	04:23																													
Incident Comments RP STATED THAT SOMEONE IS IN THE ABANDONED CALL																																							
TIME	#	EVENT								BY																													
21:00:54	1	Incident initiated at 1502 Cornell St, Susanville								426																													
21:02:25	2	P820 DISP. 1502 Cornell St, Susanville								426																													
21:04:13	3	P804 DISP. 1502 Cornell St, Susanville								426																													
21:04:21	4	P804 10-97.								426																													
21:05:14	5	P820 10-97. 1502 Cornell St, Susanville								2446																													
21:05:36	6	P820 10-97.								475																													
21:08:36	7	P804 10-8. . Disposition UL								475																													
21:08:36	8	P820 10-8. UTL								475																													
21:08:37	9	P820 Closed - Disposition UL								475																													

**SUSANVILLE POLICE DEPARTMENT**

Page 1

CAD INCIDENT REPORT**2202180027**

05/19/2022

CONTROLLED DOCUMENT / DO NOT DUPLICATE

Location 1502 CORNELL ST				Cross Streets SMALL ST/ALEXANDER AV			City SUSANVILLE																																
Incident Type OFF - OFFICER REQUEST				Call Taker 953			Dispatcher 953																																
Date 02/18/2022	Priority 3	Primary Unit P815	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL																																
Caller Name [REDACTED]				Caller Address 66 N Lassen St, Susanville, CA				Caller Phone [REDACTED]																															
Dispositions CLOSED BY CITATION, CLOSED BY CITATION					Weapon		Alm Level	Case Number 22-02-058																															
Vehicles					Associated Incidents																																		
Incident Times		Special Circumstances																																					
Received 09:50:29		<table border="1"><thead><tr><th>Persons</th><th>Sex</th><th>DOB</th><th>Race</th><th>DL</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr></tbody></table>								Persons	Sex	DOB	Race	DL																									
Persons	Sex									DOB	Race	DL																											
Created 09:51:11																																							
Dispatched 09:51:45																																							
En Route																																							
On Scene 09:55:26																																							
Closed 10:20:52																																							
Rcvd-Closed 30:23																																							
<table border="1"><thead><tr><th>Unit Times</th><th>Officers</th><th>Dispatched</th><th>Enroute</th><th>On Scene</th><th>Clear</th><th>Disp-On Scene</th><th>Enrt-On Scene</th><th>On Scene-Clear</th><th>Disp-Clear</th></tr></thead><tbody><tr><td>P815</td><td>2447</td><td>09:51:45</td><td></td><td>09:55:26</td><td>10:20:52</td><td>03:41</td><td>N/A</td><td>25:26</td><td>29:07</td></tr><tr><td>P807</td><td>2312</td><td>09:57:14</td><td></td><td>09:57:14</td><td>10:20:52</td><td>N/A</td><td>N/A</td><td>23:38</td><td>23:38</td></tr></tbody></table>										Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear	P815	2447	09:51:45		09:55:26	10:20:52	03:41	N/A	25:26	29:07	P807	2312	09:57:14		09:57:14	10:20:52	N/A	N/A	23:38	23:38
Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear																														
P815	2447	09:51:45		09:55:26	10:20:52	03:41	N/A	25:26	29:07																														
P807	2312	09:57:14		09:57:14	10:20:52	N/A	N/A	23:38	23:38																														
Incident Comments code enforcement is red tagging the house/ occupied																																							
TIME	#	EVENT							BY																														
09:51:11	1	Incident initiated at 1502 Cornell St, Susanville							953																														
09:51:45	2	P815 DISP. 1502 Cornell St, Susanville							953																														
09:55:26	3	P815 10-97.							953																														
09:57:14	4	P807 DISP. 1502 Cornell St, Susanville							953																														
09:57:14	5	P807 10-97.							953																														
10:16:32	6	P815 Case number SPD 22-02-058 assigned to 2202180027							953																														
10:20:52	7	P807 10-8. . Disposition CC							953																														
10:20:52	8	P815 10-8.							953																														
10:20:52	9	P815 Closed - Disposition CC							953																														

**SUSANVILLE POLICE DEPARTMENT**

Page 1

1801 MAIN STREET SUSANVILLE, CA 96130 530-257-5603
CRIMINAL REPORTCase
22-02-058

OFFENSES	F/M Offenses M 17995 HS Violate state building standard code				Date Occurred 02/16/22-02/18/22		Time Occurred 0000 - 0951		Incident # 2202180027		
					Date Reported 02/18/2022		Time Reported 0951				
					Related Cases						
					Date Printed 05/19/2022		Time Printed 19:38:54		Printed By 2288		
					Latitude 40.414550		Longitude -120.652190				
Location House, 1502 Cornell St, Susanville, CA 96130				Beat	Area	Disposition Cleared by Arrest				Dispo Date 02/18/2022	
Location Type		Location of Entry		Method of Entry		Point of Entry		Alarm System		Means of Attack (Robbery)	
Victim				Drivers License		Cell Phone		Email			
Residence Address				Notified of Victim Rights		Residence Phone		DOB	Age	Sex	Race
Business Name and Address				Business Phone		Height		Wt	Hair	Eyes	
Assistance Rendered/Victim Disposition				Transporting Agency		Means of Attack (Assaults)					
Description of Injuries				Other Information							
Name				Drivers License		Cell Phone		Email			
Residence Address				Residence Phone		DOB	Age	Sex	Race		
Business Name and Address				Business Phone		Height		Wt	Hair	Eyes	
Cited Person [REDACTED]				Action Taken On-View Arrest		Charges 17995 HS					
Residence Address [REDACTED]				Residence Phone [REDACTED]		DOB [REDACTED]	Age 30	Sex F	Race W		
Business Name and Address				Business Phone		Height 5'7"		Wt 130	Hair BLK	Eyes HAZ	
Identifying Features				Cell Phone		Drivers License		Arrest Number 2652			
Aliases [REDACTED]				CI [REDACTED]							
VEHICLES	Status		Vehicle Make and Model			License/State		VIN			
OFFICERS	Prepared By 2447 - Xiong, Nou		Date 02/18/2022		Assisted By		Approved By 2268 - Stafford, Kevin J			Date 02/20/2022	
	Routed To DA		Date		Routed To		Date		Notes		

CONTROLLED DOCUMENT / DO NOT DUPLICATE

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**SUSANVILLE POLICE DEPARTMENT**

Page 2

1801 MAIN STREET SUSANVILLE, CA 96130 530-257-5603
CRIMINAL REPORTCase
22-02-058

Cited Person [REDACTED]	Action Taken On-View Arrest	Charges 17995 HS			
Residence Address Transient, Susanville, CA 96130	Residence Phone	DOB [REDACTED]	Age 52	Sex M	Race W
Business Name and Address	Business Phone	Height 5'7"	Wt 160	Hair BRO	Eyes BLU
Identifying Features	Cell Phone	Drivers License		Arrest Number 107	
Aliases					CII [REDACTED]

CONTROLLED DOCUMENT / DO NOT DUPLICATE



SUSANVILLE POLICE DEPARTMENT

Page 1

CAD INCIDENT REPORT

2202180027

05/19/2022

CONTROLLED DOCUMENT / DO NOT DUPLICATE

Location 1502 CORNELL ST				Cross Streets SMALL ST/ALEXANDER AV			City SUSANVILLE																																
Incident Type OFF - OFFICER REQUEST				Call Taker 953			Dispatcher 953																																
Date 02/18/2022	Priority 3	Primary Unit P815	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL																																
Caller Name [REDACTED]				Caller Address 66 N Lassen St, Susanville, CA				Caller Phone [REDACTED]																															
Dispositions CLOSED BY CITATION, CLOSED BY CITATION					Weapon		Alm Level		Case Number 22-02-058																														
Vehicles					Associated Incidents																																		
Incident Times		Special Circumstances																																					
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P815		2447	09:51:45		09:55:26	10:20:52	03:41	N/A	25:26	29:07																													
P807		2312	09:57:14		09:57:14	10:20:52	N/A	N/A	23:38	23:38																													

Incident Comments

code enforcement is red tagging the house/ occupied

TIME	#	EVENT	BY
09:51:11	1	Incident initiated at 1502 Cornell St, Susanville	953
09:51:45	2	P815 DISP. 1502 Cornell St, Susanville	953
09:55:26	3	P815 10-97.	953
09:57:14	4	P807 DISP. 1502 Cornell St, Susanville	953
09:57:14	5	P807 10-97.	953
10:16:32	6	P815 Case number SPD 22-02-058 assigned to 2202180027	953
10:20:52	7	P807 10-8. . Disposition CC	953
10:20:52	8	P815 10-8.	953
10:20:52	9	P815 Closed - Disposition CC	953

CITY OF SUSANVILLE

EXHIBIT 'K'

CITY OF SUSANVILLE
RECEIVED

OCT 9 2 2018

BUILDING & PLANNING **FILED**
Clerk of the Superior Court
County of Lassen

OCT 26 2018

By [Signature]
DEPUTY CLERK

1 Jessica Ryan SBN: 265081
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5114
6 attorney@cityofsusanville.org

7 Attorney for: City of Susanville

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

10 IN RE PROPERTY AT 1502 Cornell Street,
11 Susanville, CA 96130

NO. 18-23
INSPECTION WARRANT

[C.C.P. SECTION 1822.51]

12
13
14 Property Owner: Thomas and Shannah
15 Glenn

16
17 THE CITY OF SUSANVILLE, CALIFORNIA, the Building Department and their
18 authorized representatives:

19 PROOF, by testimony and/or written declaration, having been made before me by
20 Anthony Hanner submitted to the court on the (date) 10-26-18;

21 THAT THERE IS REASON TO BELIEVE that there exists 1502 Cornell Street, Susanville,
22 CA 96130, violations of Health and Safety Code Chapter 17920.3 and City of Susanville Municipal
23 Code section 15.16.020 with respect to the premises named in the caption above, as required by
24 the Code of Civil Procedure sections 1822.50 *et. Seq.* for the issuance of an Inspection Warrant.

25 YOU ARE THEREFORE COMMANDED TO INSPECT, INVESTIGATE AND SEARCH,
26 WHICH INSPECTION SHALL INCLUDE the observation, taking of photographs, taking of
27 video photography, taking samples, and questioning of or conferring with persons present on the
28 property privately to obtain information bearing on whether violations of the laws and

1 regulations regarding the entire premises of 1502 Cornell Street, Susanville. Inspection personnel
2 shall not interfere with the property observation of such investigations;

3 AND THIS INSPECTION shall be reasonably conducted so as to effect as minimal an
4 intrusion as possible on the normal operations of the property;

5 AND THIS INSPECTION shall be from property boundary to property boundary for areas
6 specified at:

7 THE PREMESIS located at 1502 Cornell Street, Susanville. The following buildings are
8 included in this warrant as an area to be inspected: the house/residence, any and all outbuildings,
9 any and all vehicles, any and all trailers, any and all campers, any and all structures, any and all
10 tents.

11 FOR THE FOLLOWING: Compliance with the Health and Safety Code, compliance with
12 the Building Code, compliance with the City of Susanville Municipal Code.

13 THIS WARRANT shall expire on (date) 10-31-18 and the RETURN must
14 be executed by (date) 11-7-18.

15
16
17 DATED: 10-26-18

At 9:40 am or pm

18
19 By [Signature]
20 JUDGE OF LASSEN COUNTY SUPERIOR COURT

21
22
23 This Instrument is a
correct copy of the original

24
25 ATTEST: OCT 26 2018

26
27 Court of the State of California in and
for the County of Lassen
By [Signature]

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AUTHORIZATION TO EXECUTE IN ABSENCE OF OWNER OR OCCUPANT

FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant in the absence of the owner or occupant is hereby authorized.

DATED: 10-26-18

At 9⁴⁰ am or pm

By: [Signature]

JUDGE OF LASSEN COUNTY SUPERIOR COURT

This Instrument is a
correct copy of the original

ATTEST: DET 26 2018

Clerk of the Superior
Court of the State of California in and
for the County of Lassen

1 AUTHORIZATION TO EXECUTE BETWEEN THE HOURS OF

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant between the
4 hours of 8 AM - 7 PM is hereby authorized.

5 DATED: 10-26-18 At 9⁴⁶ am or pm

6
7 By: Mark Narvaez
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This instrument is a
correct copy of the original
filed in the office of the

ATTEST: OCT 26 2018

County of Lassen
Court of the State of California in and
for the County of Lassen
By: [Signature]

1 AUTHORIZATION TO EXECUTE WITHOUT NOTICE TO OWNER OR
2 OCCUPANT

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without notice
5 to the owner or occupant is hereby authorized.

6 DATED: 10-26-18 At 9:40 am or pm

7
8 By: [Signature]
9 JUDGE OF LASSEN COUNTY SUPERIOR COURT

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26 This instrument is a
correct copy of the original
on file in the office of the
Recorder of Deeds for the County of Lassen

27 ATTEST: OCT 26 2018

28 Court of the State of California in and
for the County of Lassen
By: [Signature]

1 AUTHORIZATION TO EXECUTE IN WITHOUT SEEKING OR OBTAINING
2 CONSENT OF OCCUPANTS OF EACH ROOM OF THE BUILDING(S)

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without seeking
5 or obtaining consent of the occupants of each room of the building(s) is hereby authorized.

6 DATED: 10-26-18 At 9:45 am or pm

7
8 By: Mark Monahan

9 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This Instrument is a
correct copy of the original
as the same is filed

ATTES? OCT 26 2018

Court of the State of California
for the County of Lassen
By: [Signature]

1 Jessica Ryan SBN: 265081
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5114
6 attorney@cityofsusanville.org

7 Attorney for: City of Susanville

FILED
Clerk of the Superior Court
County of Lassen
OCT 26 2018
By [Signature]
DEPUTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

10 IN RE PROPERTY AT 1502 Cornell Street, NO. 18-23
11 Susanville, CA 96130 INSPECTION WARRANT

12 [C.C.P SECTION 1822.51]

13
14 Property Owner: Thomas and Shannah
15 Glenn

16
17 THE CITY OF SUSANVILLE, CALIFORNIA, the Building Department and their
18 authorized representatives:

19 PROOF, by testimony and/or written declaration, having been made before me by
20 Anthony Hanner submitted to the court on the (date) 10-26-18 ;

21 THAT THERE IS REASON TO BELIEVE that there exists 1502 Cornell Street, Susanville,
22 CA 96130, violations of Health and Safety Code Chapter 17920.3 and City of Susanville Municipal
23 Code section 15.16.020 with respect to the premises named in the caption above, as required by
24 the Code of Civil Procedure sections 1822.50 *et. Seq.* for the issuance of an Inspection Warrant,

25 YOU ARE THEREFORE COMMANDED TO INSPECT, INVESTIGATE AND SEARCH,
26 WHICH INSPECTION SHALL INCLUDE the observation, taking of photographs, taking of
27 video photography, taking samples, and questioning of or conferring with persons present on the
28 property privately to obtain information bearing on whether violations of the laws and

1 regulations regarding the entire premises of 1502 Cornell Street, Susanville. Inspection personnel
2 shall not interfere with the property observation of such investigations;

3 AND THIS INSPECTION shall be reasonably conducted so as to effect as minimal an
4 intrusion as possible on the normal operations of the property;

5 AND THIS INSPECTION shall be from property boundary to property boundary for areas
6 specified at:

7 THE PREMESIS located at 1502 Cornell Street, Susanville. The following buildings are
8 included in this warrant as an area to be inspected: the house/residence, any and all outbuildings,
9 any and all vehicles, any and all trailers, any and all campers, any and all structures, any and all
10 tents.

11 FOR THE FOLLOWING: Compliance with the Health and Safety Code, compliance with
12 the Building Code, compliance with the City of Susanville Municipal Code.

13 THIS WARRANT shall expire on (date) 10-31-18 and the RETURN must
14 be executed by (date) 11-7-18.

15
16
17 DATED: 10-26-18

At 9:40 am or pm

18
19 By: [Signature]
20 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This Instrument is a
correct copy of the original
of the original

ATTES: OCT 26 2018

Clerk of the Superior
Court of the State of California In and
for the County of Lassen
By: [Signature]

1 AUTHORIZATION TO EXECUTE IN ABSENCE OF OWNER OR OCCUPANT

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant in the absence of
4 the owner or occupant is hereby authorized.

5 DATED: 10-26-18

At 9⁴⁰ am or pm

6
7 By: [Signature]
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This Instrument is a
correct copy of the original

ATTES: OCT 26 2018

Deputy of the Superior
Court of the State of California in and
for the County of Lassen
By: [Signature]

1 AUTHORIZATION TO EXECUTE BETWEEN THE HOURS OF

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant between the
4 hours of 8AM - 7pm is hereby authorized.

5 DATED: 10-26-18 At 940 am or pm

6
7 By: [Signature]
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This instrument is a
correct copy of the original
filed in the office of the
Clerk of the Superior Court for the County of Lassen

ATTEST: OCT 26 2018

Clerk of the Superior
Court of the State of California in and
for the County of Lassen
By: [Signature]

1 AUTHORIZATION TO EXECUTE WITHOUT NOTICE TO OWNER OR
2 OCCUPANT

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without notice
5 to the owner or occupant is hereby authorized.

6 DATED: 10-26-18 At 9⁴⁰ am or pm

7
8 By: *Mark Hansen*
9 JUDGE OF LASSEN COUNTY SUPERIOR COURT

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of the original

27 ATTEST: OCT 26 2018

28 Court of the State of California in and
for the County of Lassen
By: *[Signature]*

1 AUTHORIZATION TO EXECUTE IN WITHOUT SEEKING OR OBTAINING
2 CONSENT OF OCCUPANTS OF EACH ROOM OF THE BUILDING(S)

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without seeking
5 or obtaining consent of the occupants of each room of the building(s) is hereby authorized.

6 DATED: 10-26-18 At 945 (am) or pm

7
8 By: Mark M. [Signature]
9 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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This Instrument is a
correct copy of the original
of the [illegible]

ATTEST: OCT 26 2018

Clerk of the Superior
Court of the State of California in and
for the County of Lassen
By: [Signature]

1 Jessica Ryan Keeney SBN: 265081
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5114
6 attorney@cityofsusanville.org

7 Attorney for: City of Susanville

FILED
Clerk of the Superior Court
County of Lassen

OCT 26 2018

By [Signature]
DEPUTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

18-23

10 IN RE PROPERTY AT 1502 Cornell Street,
11 Susanville, CA 96130

APPLICATION FOR INSPECTION WARRANT
UNDER C.C.P. SECTION 1822, ET SEQ.;
DECLARATIONS OF ANTHONY HANNER IN
SUPPORT THEREOF

[PROPOSED INSPECTION WARRANT FILED
CONCURRENTLY HEREWITH]

12
13
14 Property Owner: Thomas and Shannah
15 Glenn

16
17 THE CITY OF SUSANVILLE, CALIFORNIA, HEREBY submits its Application for an
18 Inspection Warrant as provided for by C.C. P. Sections 1822.50 *et seq.* This Application is based
19 upon the Memorandum of Points and Authorities and the Declaration(s) of Anthony Hanner,
20 Building Official for the City of Susanville, attached hereto, and upon any oral and documentary
21 evidence, which may be presented to the Court.

22
23 DATED: 10/26/18

Respectfully submitted,

24
25 By: Jessica Ryan Keeney
26 JESSICA RYAN KEENEY
27 Attorney for CITY OF SUSANVILLE

28 This instrument is a
correct copy of the original
filed in the office of the
Clerk of the Superior Court

ATTES: OCT 26 2018

Clerk of the Superior
Court of the State of California in and
for the County of Lassen
By [Signature]

1 Jessica Ryan Keeney SBN: 265081
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5114
6 attorney@cityofsusanville.org

7 Attorney for: City of Susanville

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

10 IN RE PROPERTY AT 1502 Cornell Street,
11 Susanville, CA 96130

12 APPLICATION FOR INSPECTION WARRANT
13 UNDER C.C.P. SECTION 1822, ET SEQ.;
14 DECLARATIONS OF ANTHONY HANNER IN
15 SUPPORT THEREOF

16 [PROPOSED INSPECTION WARRANT FILED
17 CONCURRENTLY HEREWITH]

18 Property Owner: Thomas and Shannah
19 Glenn

20 THE CITY OF SUSANVILLE, CALIFORNIA, HEREBY submits its Application for an
21 Inspection Warrant as provided for by C.C. P. Sections 1822.50 *et seq.* This Application is based
22 upon the Memorandum of Points and Authorities and the Declaration(s) of Anthony Hanner,
23 Building Official for the City of Susanville, attached hereto, and upon any oral and documentary
24 evidence, which may be presented to the Court.

25 DATED: 10/26/18

26 Respectfully submitted,

27 By: Jessica Ryan Keeney
28 JESSICA RYAN KEENEY
Attorney for CITY OF SUSANVILLE

MEMORANDUM OF POINTS AND AUTHORITIES

1. Introduction

The property located at 1502 Cornell Street, Susanville, CA 96130 ("Property") contains a single family home, located in a single-family rural residential neighborhood within the City of Susanville city limits, that appears to have multiple City of Susanville Municipal Code violations as well as California Health and Safety Code violations including but not limited to the power being shut off to the residence, lack of hot and cold running water to the residence, the windows and doors on the residence are boarded up which likely creates lack of proper ventilation and natural light to the residence, the residence being "red tagged" for Health and Safety Code and Municipal Code violations with people possibly living inside the residence, possible unpermitted construction on the property, unpermitted demolition on the property as well as the possibility of someone living in a recreational vehicle that is parked in the back yard. See Declaration of Anthony Hanner for more detail. The full extent of the code violations and dangerous conditions are unknown because the City has not been provided full access to inspect the structure(s) on the Property.

California Health and Safety Code Chapter 17920.3 reads in pertinent part,

"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....

(3) Lack of, or improper kitchen sink....

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

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

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

(10) Lack of required electrical lighting...

(14) General dilapidation or improper maintenance.

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

(16) 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

1 can be determined by a code enforcement officer as defined in Section 829.5 of the
2 Penal Code.

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

4 (1) Deteriorated or inadequate foundations....

5 (c) Any nuisance....

6 (g) Faulty weather protection, which shall include, but not be limited to, the
7 following:

8 (1) Deteriorated, crumbling, or loose plaster.

9 (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations,
10 or floors, including broken windows or doors.

11 (3) Defective or lack of weather protection for exterior wall coverings, including
12 lack of paint, or weathering due to lack of paint or other approved protective
13 covering.

14 (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

15 (h) Any building or portion thereof, device, apparatus, equipment, combustible
16 waste, or vegetation that, in the opinion of the chief of the fire department or his
17 deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel
18 to augment the spread and intensity of fire or explosion arising from any cause.

19 (i) All materials of construction, except those that are specifically allowed or
20 approved by this code, and that have been adequately maintained in good and safe
21 condition.

22 (j) Those premises on which an accumulation of weeds, vegetation, junk, dead
23 organic matter, debris, garbage, offal, rodent harborages, stagnant water,
24 combustible materials, and similar materials or conditions constitute fire, health, or
25 safety hazards.

26 (k) Any building or portion thereof that is determined to be an unsafe building due
27 to inadequate maintenance, in accordance with the latest edition of the Uniform
28 Building Code....”

29 Pursuant to City of Susanville Municipal Code section 15.16.020, “It is unlawful and a
30 public nuisance for any person to establish, keep or maintain any recreational vehicle or tent
31 trailer for occupancy as living quarters on any public road or private property other than in a
32 legally established recreational vehicle park operated under permits from the state and the city.”

33
34 Now the City needs to determine the extent of the City of Susanville Municipal Code and
35 violations of State of California law including but not limited to Health and Safety Code and
36 Building Code and damage on the property to determine how best to abate this property to
37 protect the health and safety of the residents of the City of Susanville as well and the inhabitants
38 of the structure(s) on the Property.

2. Absent Consent to Enter Private Property, A Warrant is Required Prior to Entry for Purposes of Inspection

The Fourth Amendment generally requires that the City of Susanville obtain an inspection warrant for the non-consensual entry onto private property to conduct an inspection. (*Camara v Municipal Court* (1967) 387 U.S. 523, 528-529.) This Court is authorized by Code of Civil Procedure Sections 1822.50 *Et Seq.* to issue a civil inspection warrant to the City of Susanville.

Code of Civil Procedure section 1822.50 provides that:

An inspection warrant is an order, in writing, in the name of the people, signed by a judge of the court of record, directed to a state or local official, commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, labor, or zoning.

Code of Civil Procedure section 1822.51 provides that:

An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

The inspection warrant shall be issued under Code of Civil Procedure section 1822.54:

If the judge is satisfied that the proper standard for issuance of the warrant has been met, he or she shall issue the warrant particularly describing each place, dwelling, structure, premises, or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this title.

In the *City and County of San Francisco v. Municipal Court* (1985) 167 Cal. App.3d 712, 719, the court stated that a civil inspection warrant must be justified by reasonable governmental interests. Where the governmental interest at stake is to enforce building standards and thereby

1 prevent conditions that are hazardous to public health and safety, the test for determining
2 reasonableness may vary with the particular municipal program being enforced. (*Id.*)
3 “Enforcement, obviously, cannot be accomplished without inspection and Camara permits an
4 inspection with a warrant to enforce building codes.” (*Id.* At 720). Thus, the court authorized an
5 inspection warrant to allow redevelopment officers to enter private property to determine
6 whether that property complied with redevelopment standards.

7
8 A. All prerequisites for issuance of an inspection warrant are met in the instant
9 action.

10 This application satisfies all prerequisites for the issuance of an inspection warrant. As
11 required by C.C. P. section 1822.54, the proposed Inspection Warrant describes each building,
12 place, structure, or premises to be inspected and designates the purpose and limitations of the
13 inspection. As provided in C.C. P. section 1822.55, the proposed Inspection Warrant is effective
14 for not more than fourteen (14) days.

15
16 B. The City seeks Court authorization to be relieved of certain requirements of
17 typical Inspection Warrants; this Court has the authority to do so and there is
18 good cause to do so.

19 i. It is reasonably necessary to extend the hours of to conduct the search one
20 hour past the prescribed hour of 6 pm.
21

22
23 In pertinent part, Code of Civil Procedure section 1822.56 requires that:

24 An inspection pursuant to this warrant may not be made between 6:00 p.m. of
25 any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or
26 occupant of the particular place, dwelling, structure, premises, or vehicle unless
27 specifically authorized by the judge upon a showing that such authority is
28 reasonably necessary to effectuate the purpose of the regulation being enforced.

The proposed warrant provides that the inspection shall be made from 8 am until
7 pm. – one hour past the hours generally prescribed by C.C.P. section 1822.56. The City

1 makes this request because it is believed that occupants live on the premises and remain
2 on the premises after sunset. As of the drafting of this pleading, sunset happens about
3 6:30 pm. The owner or occupant argued in the past that the person/people present at the
4 premises during the day were repairing the premises to bring the premises into
5 compliance with the Health and Safety Code, Building Code and Municipal Code. If a
6 person is present at the premises after dark, it is unlikely that the person is repairing the
7 premises. Therefore, it is necessary to inspect the premises after dark to determine of the
8 premises is occupied as a dwelling (See attached declaration).

9 Further, the City requests that this inspection be permitted to proceed without
10 the owner of occupant because the City previously sought consent of the owner to
11 inspect the premises and the owner declined to grant consent. In notices mailed to the
12 owner and occupant and posted at the premises, consent to inspect the premises was
13 included and never returned to the City. The owner and occupant of the residence have
14 been combative with City staff and neighbors and are believed to be violent. Even if
15 present may resist the inspection and have to be arrested. (See attached declaration).

16 ii. It is reasonably necessary to provide no notice of execution of
17 warrant.

18 In pertinent party, Code of Civil Procedure section 1822.56 provides that:

19 Where prior consent has been sought and refused, notice that a
20 warrant has been issued must be given at least 24 hours before the
21 warrant is executed, unless the judge finds that immediate
22 execution is reasonably necessary in the circumstances shown.

23 It is very important to inspect the property without notice to determine if
24 the premises is being used for a dwelling. (See attached declaration.)

25 iii. Facts and circumstances justify failure to seek consent to inspect
26 from individual inhabitants of rooms of house.

27 In pertinent part, Code of Civil Procedure section 1822.51 requires that:
28

1 [T]he affidavit shall contain either a statement that consent to
2 inspect has been sought and refused or facts or circumstances
3 reasonably justifying the failure to seek such consent.

4 The City has sought consent to inspect from the owner/occupant and his representatives
5 without success (see declaration), so the requirements of Code of Civil Procedure section 1822.51
6 as to seeking consent of the owners/occupants of the house (Thomas Glenn, Shannah/Shanna
7 Glenn, Jimmy Edgar) have been met. Therefore, the failure to obtain such consent from each
8 individual is justified.

9
10 3. Conclusion

11 Based upon the foregoing and the Declaration of Anthony Hanner (attached hereto), the
12 City of Susanville respectfully requests that the Court issue an Inspection Warrant to permit the
13 City of Susanville to enter onto the Property at 1502 Cornell Street, Susanville in the absence of
14 the owners and/or occupants, to enter the house and other buildings on the Property, to inspect
15 any outbuildings on the Property, to inspect any vehicles on the Property, to inspect any trailers
16 on the property, to inspect any recreational vehicles on the property, to inspect any tents on the
17 property, to inspect the yards on the property, to inspect the interiors, and subparts thereof, to
18 ensure the Property is in compliance with all applicable laws, including but not limited to, City of
19 Susanville Municipal Code, and to determine the extent of the damage and the threat to the
20 public's health and safety.

21
22 DATED: 10/26/15

Respectfully submitted,

23
24 By: Jessica Ryan Keene

25 JESSICA RYAN KEENEY
26 Attorney for CITY OF SUSANVILLE
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1 ‘Our Operators felt threatened by the occupants so they did not pursue the
2 disconnection...”

3 f. 05/10/18 the City of Susanville mailed the property owners Thomas and Shannah Glenn a
4 letter notifying them of the code violations at 1502 Cornell. This letter was mailed to Thomas and
5 Shannah Glenn at 472-309 Johnstonville Road, Susanville, CA via Certified Mail and via first class
6 mail. The same letter was mailed to “To All Residents of: 1502 Cornell Street, Susanville, CA...” via
7 first class mail at 1502 Cornell Street, Susanville, CA. (Exhibit D)

8 g. 06/04/18 & 06/05/18 – I made an inspection report for 1502 Cornell because when I
9 stopped by the property to see if the code violations were fixed I noticed that the occupant was
10 still living on the property and the camp trailer moved from the side yard to the back yard. The
11 Occupant told me that he received the warning notice from the City of Susanville, that he and the
12 owner didn’t care about the code violations and that the City would have trouble if the camp
13 trailer was moved. (Exhibit E)

14 h. 06/06/18 City of Susanville staff sent to Thomas and Shanna Glenn at 472-309
15 Johnstonville Road, Susanville via Certified Mail a letter requesting permission to enter and
16 inspect the property at 1502 Cornell and a letter titled “Administrative Citation & Order
17 Prohibiting Continuation or Repeated Occurrences of the Code violations as well as a copy of
18 City of Susanville Ordinance 17-1011. These same documents/letters were personally delivered to
19 Thomas at 472-309 Johnstonville Road, Susanville by Susanville Police Department Detective
20 Stott Jones. (Exhibit F)

21 i. 06/06/18 Thomas Glenn met with City Attorney Jessica Ryan Keeney, Interim City
22 Administrator Dan Newton, Permit Technician Holly Young and me at City Hall to discuss the
23 letter letter/documents he was personally served with on 06/06/18.

24 j. 06/08/18 I drove by 1502 Cornell Street, Susanville and noted that there were dogs and
25 personal items on the property. (Exhibit G)

26 k. 06/08/18 I sent an e-mail to the staff members present with Mr. Glenn and me at the
27 06/06/18 meeting summarizing what Mr. Glenn agreed to do, stating that what Mr. Glenn said he
28 would do wasn’t done and stating that I observed individuals leaving the back yard at 1502

1 Cornell and that I observed dogs still in the back yard. In short, Mr. Glenn agreed to remove the
2 tenant/occupant living in the camp trailer, remove the camp trailer within 10 days of the 06/06/18
3 meeting, request an administrative hearing to address the administrative citation issued on
4 06/06/18 and request an inspection by the City of Susanville to verify that the code violations no
5 longer existed. A copy of the e-mail I sent is attached as Exhibit H. Mr. Glenn failed to do any of
6 the things he agreed to do in the 06/06/18 meeting. Mr. Glenn stated during the meeting that even
7 once the tenant moved off the property there would probably still be people on the property
8 during the day to work on the house and yard.

9 l. 06/12/18 Permit Technician Holly Young served another "Administrative Citation &
10 Order Prohibiting Continuation or Repeated Occurrences of the Code Violations" and another
11 copy of Ordinance No. 17-1001 by mail on Thomas and Shanna Glenn at 472-309 Johnstonville
12 Road, Susanville and All Occupants, ETAL 1502 Cornell St (1510 Cornell), Susanville. (Exhibit I)
13 Note that although the proper address for the property is 1502 Cornell someone placed a mailbox
14 in front of the house with the address 1510 on the mailbox.

15 m. 06/27/18 Thomas Glenn delivered to the City of Susanville a hand written letter which
16 appears to explain why he believes the property at 1502 Cornell is not in violation of any codes.
17 Notably, he does not request an administrative hearing in the letter, he does not grant permission
18 to the City of Susanville to enter the property at 1502 Cornell to inspect the property for code
19 violations and his letter demonstrates a lack of understanding of the law. (Exhibit J)

20 n. 09/04/18 I drove by 1502 Cornell Street again and noted on an inspection report that
21 there was insulation and construction/demolition material all over the yard, there was also trash
22 in the yard. (Exhibit K) Not noted in the report, however, there are no construction or demolition
23 permits issued by the City of Susanville for 1502 Cornell Street.

24 o. I continue to periodically drive by 1502 Cornell Street and recently noted the following:
25 stucco is missing from the side of the house, the windows on the house continue to be boarded
26 up, the camp trailer is still visible in the back yard. Specifically, on 09/04/18 when I drove by the
27 Property I noted that there was construction and demolition trash in the front of the house
28 (Exhibit L). On 10/24/18 when I drove by the property I noticed that demolition work was being

1 conducted on the outside of the house. (Exhibit M) No permits have been issued for demolition or
2 construction on the Property and it is my belief that the demolition and construction on the
3 Property is happening without a permit.

4 p. Based on my continued observations of 1502 Cornell Street, the fact that no permits
5 have been issued by the City of Susanville (1502 Cornell Street is within City of Susanville city
6 limits) for construction or demolition at 1502 Cornell Street, no permission to enter the property
7 and inspect for code violations has been granted by the occupant or the owners and the occupant
8 of 1502 Cornell has been continually combative with City staff and staff from the Sanitary
9 District, I believe that code violations persist at 1502 Cornell Street, I believe that seeking
10 permission to enter the property will be futile, I believe that if the property owners or occupants
11 were present during execution of an inspection warrant, they may resist execution of the warrant
12 and inspection of the property.

13 2. Consent for Complete Inspection Denied by Owner

14 a. In the 06/06/18 letter that the City of Susanville sent to the owners and occupant of 1502
15 Cornell, the City of Susanville requested permission to enter the property to inspect. During the
16 06/06/18 meeting (referenced above) between City Staff and owner Thomas Glenn, the City
17 Attorney asked Mr. Glenn to give City Staff permission to enter the property at 1502 Cornell
18 Street to inspect for code compliance. Mr. Glenn did not give consent to enter the property. Mr.
19 Glenn agreed to voluntarily abate the code violations at 1502 Cornell and seek an inspection from
20 the City of Susanville so the City could assess code compliance. Mr. Glenn failed to seek an
21 inspection. Nearly 4 months after the City of Susanville sought consent from the property owners
22 and occupant to enter the property to inspect for code compliance and nearly 4 months after Mr.
23 Glenn stated that he would seek an inspection from the City, no consent to enter the property has
24 been given to the City of Susanville.

25 3. Request for Inspection

26 a. That an inspection warrant is sought, specifically allowing the City of Susanville's
27 Building Official and a City of Susanville Police Officer to enter onto the Property at 1502 Cornell
28 Street, Susanville in the absence of the owners and/or occupants, to enter the house and other

1 buildings on the Property, to inspect any outbuildings on the Property, to inspect any vehicles on
2 the Property, to inspect any trailers on the property, to inspect any recreational vehicles on the
3 property, to inspect any tents on the property, to inspect the yards on the property, to inspect the
4 interiors, and subparts thereof, to ensure the Property is in compliance with all applicable laws,
5 including but not limited to, City of Susanville Municipal Code, and to determine the extent of the
6 damage and the threat to the public's health and safety.

7
8 4. Request for No Notice

9 a. It is necessary to execute this warrant without notice to the property owners or
10 occupant in order to determine if the property is being used as a residence.

11
12 5. Request for Reasonable Force/Inspection With or Without Owner and Occupant Being
13 Present

14 a. Reasonable force to enter and inspect the property is needed because permission to
15 enter the property for inspection purposes has been declined and I believe parts of the property
16 pay be boarded up or locked up and that the owners and/or occupant will not grant access to City
17 Staff in order to execute an inspection warrant.

18 b. An inspection warrant needs to be executed without the property owners and/or
19 occupant present because the property owners and occupant failed to grant permission to the
20 City of Susanville to inspect the property, the occupant has been combative to the point that staff
21 at the Susanville Sanitary District feared for their safety and would not enter the property to
22 conduct business out of fear for their safety.

23 6. Request for Extension of Hours to Search

24 a. The inspection warrant needs to be executed between ~~7 pm and 8 am.~~ *Sam to 4 7pm JL*

25 b. The inspection warrant needs to be executed during these hours instead of the regular
26 hours because the property owner previously commented that there would be people working on
27 the property during the day to bring the property into compliance. Sunset is about 6:30 pm as of
28

1 the drafting of this declaration. I believe that any work on the property should reasonably stop no
2 later than sunset and an occupant on the property after sunset is likely living on the property.

3
4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Dated: 10-26-18



7 Anthony Hanner, Building Official for
8 City of Susanville
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CITY OF SUSANVILLE
EXHIBIT A

Building & Planning Division
66 N Lassen St.
Susanville CA 96130
(530)252-5117
CityofSusanville.org

Complaint Form

Not Confidential - Internal Use

Susanville Fire Department
1305 Main Street
Susanville CA 96130
(530)252-5152
www.fire@cityofSusanville.org

Date: 6/22/16
Name of person submitting Complaint: 1500 Cornell owner Anonymous: _____
Address of alleged violation: 1502 Cornell Susanville City Limits APN: 10526202
Owner: Glenn Thomas Shannick Tenant: yes
Mailing Address: 472 309 Johnstonville 96130
Nature of Complaint:
Tenant is burying garbage, and has an over abundance
of possible stolen bikes.

Office Use Only

Referred To: _____ Admin _____ Planning _____ Building _____ Fire Department _____ PW _____ Police _____

Code Case #: _____

Received by: 8

Date: 6/22/16

Case reviewed by: CS

Open Case On: _____

Closed Case On: _____

Investigation Report:

Letter sent 6/22/16 referred to Fire Dept.
7/30/16 have red-tagged no work on
Fire Dept. has noticed property for cleanup

☒ Pictures Taken

☒ Letter Sent

☒ Referred to another Agency

☐ No Violation Found

When finished return all documentation to the Permit Technician



Return this form to Building & Planning Division. The appropriate person will be given this form to begin investigation.

6/2/2016



20 Property Address: 1502 CORNELL ST

Ownership

County: LASSEN, CA
 Assessor: DANIEL SCHLUETER, ASSESSOR
 Parcel # (APN): 105-267-02-11
 Parcel Status: ACTIVE
 Owner Name: GLENN THOMAS A & SHANNAH L
 Mailing Address: 472-309 JOHNSTONVILLE RD
 Legal Description: SUSANVILLE CA 96130

Assessment

Total Value:	\$23,128	Use Code:	N100	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$15,216	Tax Rate Area:	001-033	Zoning:	
Impr Value:	\$7,912	Year Assd:	2015	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	34%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

Document Date:	Sale 1	Sale 2	Sale 3	Transfer
Document Number:	01/06/2005	12/02/1986		01/06/2005
Document Type:	2005-00107	0466-556		2005-00107
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	2	Fireplace:		Units:	1
Baths (Full):	2	A/C:		Stories:	1.0
Baths (Half):		Heating:		Quality:	4.0
Total Rooms:		Pool:		Building Class:	D
Bldg/Liv Area:	707	Park Type:		Condition:	
Lot Acres:		Spaces:		Site Influence:	
Lot SqFt:		Garage SqFt:		Timber Preserve:	
Year Built:	1920			Ag Preserve:	
Effective Year:					

<https://pqweb.parcelquest.com/#home>

CITY OF SUSANVILLE
EXHIBIT B



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: 7/29/14 Time: _____

Name: _____

Type: Post

Notes: No water

- ♦ 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

Permit No.: _____

Address: 1502 Cornell

Phone: 530 252 5117

- ♦ 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: Post do not occupy

Approved: _____

Correction Needed: Yes

Finalled: _____

Inspector: _____

CITY OF SUSANVILLE
EXHIBIT C



SUSANVILLE SANITARY DISTRICT

45 S. Reop St.
P.O. Box 168
Susanville, CA 96130
Office: (530) 257-5658
Fax: (530) 251-5408

May 2, 2018

City of Susanville
66 N. Lassen Street
Susanville, CA 96130

Re: 1502 Cornell Street, Susanville, CA – APN: 105-262-02-11

To Whom It May Concern:

This letter is in regards to the above-named property and the "Red Tag". This property should be physically disconnected. Our Operators surveyed the property on Monday, April 30, 2018 to find the best way to do this. They discovered the property was occupied with people living in a trailer with dogs in the back hooked up to generators.

Our Operators felt threatened by the occupants so they did not pursue the disconnection. They would have to get on the property to camera the line or go through the neighbor's yard to find the best place to disconnect. I have not been able to contact the owner Tommy Glenn to get permission to go onto the property so our Operators could not pursue the physical disconnect.

It is in the best interest "safety wise" that our Operators not physically disconnect this property at this time. When the occupants are removed or we have permission from the owner, we will proceed with the physical disconnection. The District will not put our Operators in a "life-threatening" position for any reason.

Thank you in advance for your assistance regarding this matter. If you have any questions, please contact me at (530) 257-5665 Monday through Friday from 7:30 a.m. until 5:00 p.m.

Sincerely,

Deborah L. Stampfli
Assistant General Manager/Office Administrator

cc: City of Susanville Police Department
1801 Main Street
Susanville, CA 96130

Sewer Service • Wastewater Treatment • Water Reclamation

CITY OF SUSANVILLE
EXHIBIT D



City of Susanville

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

May 10, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

Mr. & Mrs. Thomas,

This letter is in regards to the property located 1502 Cornell Street, Susanville. It has come to our attention that there are people occupying the home on the property. This occupancy is in violation of City of Susanville Building and Planning Division's "red tag" of the structure as uninhabitable. This dwelling was deemed uninhabitable on July 28, 2016 due to a lack of sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. The red tag prohibits the home from being occupied for any reason until the violation has been alleviated. This is a Violation of California Health & Safety Code Chapter 17920.3.

It has also been observed that recreational vehicles have been moved onto the property and are being occupied in a Violation of City of Susanville Municipal Code 15.16.020

At this time the property is considered a public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property.

You have ten (10) days to abate the above violations. If this nuisance is not addressed the City of Susanville may issue a citation in accordance to the City of Susanville Municipal Code 1.12.010. 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. This process may result in administrative fines and abatement costs that, if not paid would become a tax lien against the property.

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

The following are the codes referenced above:

§ 17920.3 Substandard building; conditions

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

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org

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 the health officer.
- (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 the health officer.

15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited.

It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)

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. 17-1011 § 3, 2017)

8.32.060 Notification of nuisance.

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 ten (10) days. (Ord. 17-1011 § 3, 2017)

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:

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 five hundred dollars (\$500.00) 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 one thousand dollars (\$1,000.00) 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. (Ord. 17-1011 § 1, 2017)

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530)252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Sincerely,



Anthony Hanner
Building Official



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



7012 2920 0001 3923 9367

7012 2920 0001 3923 9367

U.S. Postal Service
CERTIFIED MAIL[®] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

Postage	\$
Certified Fee	
Return Receipt Fee (if documents requested)	
Restricted Delivery Fee (if documents requested)	
Total Postage & Fees	\$

*Mailed
6/14/08*

Thomas & Shannah Glenn
472-309 Johnstonville RD
Susanville CA 96130

7012 2920 0001 3923 9367



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



To All Residents of:
1502 Cornell St
Susanville CA 96130



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



Thomas & Shannah Glenn
472-309 Johnstonville RD
Susanville CA 96130

CITY OF SUSANVILLE
EXHIBIT E



City of Susanville

66 N Lassen Street Susanville 96130
(530)252-5118

Date: 6.4.18

Time: 10 am

Name:

Permit No.: NA

Address: 1502 Cornell St

Contact Name:

Phone No.:

Inspection Type: Code Enforcement Violation

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
☐ Grading

Foundation

- ☐ Footings ☐ Dry pack
☐ Slab ☐ CMU Rebar
☐ Form & Walls ☐ Grout CMU

Framing

- ☐ Shear ☐ Electrical
☐ Framing ☐ Heating/Duct
☐ Plumbing ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing ☐ Mechanical
☐ Electrical ☐ Framing

Wall Covering

- ☐ Insulation ☐ Ceiling Grid
☐ Drywall ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1st Section ☐ Underlayment
☐ Ice Dam

Miscellaneous

- ☐ Electrical Service ☐ Int. Gas Piping
☐ Ext. Gas Piping ☐ Shower Pan
☐ Gas Service

Code Enforcement

- ☐ Site Inspection ☐ Work without Permit
☐ Red Tag

Final

- ☐ Building ☐ Electrical
☐ Plumbing ☐ Roof
☐ Wood stove/Insert ☐ Water Heater
☐ Mechanical ☐ Corrections

Approved _____ Correction Needed ☒ Final _____

Comments/Correction: Stopped by residence found the an occupant is still living on site. Trailer in question was moved to the back of the house. Occupant stated that he recived warning notice,

Building Official:

Anthony Banner

☒ 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: Additional comments, occupant stated he and the Owner did not care about the violation. We would have trouble If trailer was moved. See attached picture.

CITY OF SUSANVILLE
EXHIBIT F



City of Susanville

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

June 6, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

Administrative Citation
&
Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

Mr. & Mrs. Glenn,

You and the occupants are receiving this Administrative Citation in regards to the original notice mailed May 10, 2018 and received by Shanna Glenn on May 15, 2018 by certified mail.

In the original notice you and the occupants were made aware of the following violations located at 1502 Cornell Street, Susanville.

1. **July 28, 2016 the home was "red tag" per California Health & Safety Code Chapter 17920.3. The residence lacked the running of hot and cold water and the sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. § 17920.3 Substandard building; conditions**
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.**

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

(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 the health officer.

(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 the health officer.

2. **City of Susanville Municipal Code 15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited. It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)**
3. **Public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property. 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. 17-1011 § 3, 2017)**
4. **8.32.060 Notification of nuisance. 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 ten (10) days. (Ord. 17-1011 § 3, 2017)**

In the original notice dated May 10, 2018, as stated you had not less than ten (10) days to abate the violations. The violation fees were also stated within this letter in accordance to the **City of Susanville Municipal Code 1.12.010** and following the process of the **City of Susanville Municipal Code 8.40.030**.

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:

- 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 five hundred dollars (\$500.00) 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 one thousand dollars (\$1,000.00) 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. (Ord. 17-1011 § 1, 2017)

City of Susanville Municipal Code 8.40.030 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 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 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, 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, 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 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 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, entitlement, or review approved by the city.

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.

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.

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

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 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 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 of the property upon which the violation occurs.

F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may be issued pursuant to this section in lieu of any criminal citation which could have been issued for the same violation. The issuance of the administrative citation shall not, however, prevent the 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. (Ord. 17-1011 § 4, 2017)**

Per **Susanville Municipal Code 8.40.030 (B)**, you are hereby notified that a daily citation of \$100.00 a day will be set forth as of **May 21, 2018** and will continue every day the violation has not been corrected.

You are also advised that every day the violations are not corrected constitutes a new and separate offence and the City of Susanville may issue new citations with higher fines per the City of Susanville Municipal Code.

8.40.090 Payment of the fine.

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

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

C. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

Per **Susanville Municipal Code 8.40.100** you may request a Hearing. That hearing would be before the Planning Commission of the City of Susanville.

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 days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Per the City of Susanville Municipal Code 8.40.110 a hardship waiver may be offered.

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.

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

C. The requirement of depositing the full amount of the fine as described in Section 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.

D. The finance manager may, after consultation with and approval by the city administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and 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.

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

F. The finance manager shall issue a written determination listing the reasons for his 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. (Ord. 17-1011 § 4, 2017)

The above procedures follow the City of Susanville Municipal Code Chapter 8.32 through 8.40.

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been rectified. The following violations must be remedied:

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

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. (Ord. 17-1011 § 1, 2017)

Fine Amount Due as of the Date of This Letter

The fine amount due as of the date of this letter is **\$1,700.00**

Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

You are hereby prohibited from continuing or repeating the code violations cited in this letter.

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530) 252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Signed,



Anthony Hanner
Building Official
City of Susanville



SUSANVILLE SANITARY DISTRICT

45 S. Roop St.
P.O. Box 152
Susanville, CA 96130
Office: (530) 257-5665
Fax: (530) 251-6328

May 2, 2018

City of Susanville
66 N. Lassen Street
Susanville, CA 96130

Re: 1502 Cornell Street, Susanville, CA – APN: 105-262-02-11

To Whom It May Concern:

This letter is in regards to the above-named property and the "Red Tag". This property should be physically disconnected. Our Operators surveyed the property on Monday, April 30, 2018 to find the best way to do this. They discovered the property was occupied with people living in a trailer with dogs in the back hooked up to generators.

Our Operators felt threatened by the occupants so they did not pursue the disconnection. They would have to get on the property to camera the line or go through the neighbor's yard to find the best place to disconnect. I have not been able to contact the owner Tommy Glenn to get permission to go onto the property so our Operators could not pursue the physical disconnect.

It is in the best interest "safety wise" that our Operators not physically disconnect this property at this time. When the occupants are removed or we have permission from the owner, we will proceed with the physical disconnection. The District will not put our Operators in a "life-threatening" position for any reason.

Thank you in advance for your assistance regarding this matter. If you have any questions, please contact me at (530) 257-5665 Monday through Friday from 7:30 a.m. until 5:00 p.m.

Sincerely,

Deborah L. Stampfli
Assistant General Manager/Office Administrator

cc: City of Susanville Police Department
1801 Main Street
Susanville, CA 96130

Sewer Service • Wastewater Treatment • Water Reclamation

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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

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
11 regulations adopted directly or by reference in this code;

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

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

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

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

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

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

22 2. A failing private sewage disposal system;

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

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

25 C. A condition of real property or a building, structure, improvement, or other thing on
26 real property that is unsightly and, by reason thereof, contributes to a diminution in the value of
27 surrounding properties when visible from a public right-of-way or alley, including but not limited
28 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.

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
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.

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
imposition and collection of administrative fines as independently authorized by both California
21 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
Municipal Code, other ordinances adopted by the City, conditions of approval of entitlements,
23 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.
24 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
regulations of the City enacted pursuant to its police powers, and the conditions of approval of
27 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
the provisions of the Susanville Municipal Code, ordinances, agreements, or terms and conditions
4 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
official or the building official.

8 B. "Responsible party" means any individual who is the owner or occupant of real
9 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
10 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
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
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
18 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
19 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
20 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
21 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
31 administrative remedies.

32 E. The administrative citation and any additional report submitted by the enforcement
33 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
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,
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 8.52.020 Responsibilities for property maintenance.

17 Every owner, lessee, occupant or person having charge or control of buildings, structures or
18 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
19 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
20 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

- 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:

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.

1
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
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
other penalties or fines owed to the city.

27 E. Within 15 days of the decision by the hearing board to bill for the vacant building
28 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

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

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

June 6, 2018

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

Letter Regarding Permission to Enter Property to Inspect

Re: 1502 Cornell Street, Susanville
105-262-02

Dear Occupants;

The City of Susanville seeks permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street to inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws.

The City of Susanville seeks permission to inspect the property, house, out buildings and travel trailer located at 1502 Cornell Street within the next 24 hours of the delivery of this letter and at a time that is convenient to you.

You can grant the City of Susanville permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street. By granting the City of Susanville permission to enter the property, house, out buildings and travel trailer you are also granting permission for an agent to enter the property, house, out buildings and travel trailer to inspect on behalf of the City of Susanville.

If you fail to sign and return the attached form, the City of Susanville may seek a warrant from the Lassen County Superior Court. This warrant will grant the City of Susanville permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street and inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws.

You may be legally responsible for all fees and costs associated with lawfully gaining access to the property located at 1502 Cornell Street as any other fees and costs associated with bringing the property, house, out buildings and travel trailer into compliance with the City of Susanville Municipal Code and applicable California laws.

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson



City of Susanville

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

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

Sincerely,

Name

Title of City Official Serving Document

City Officials Address and Phone Number

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

www.cityofsusanville.org



City of Susanville

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

PERMISSION TO ENTER PROPERTY

I, _____ (name of occupant) am the occupant for the property, house, out buildings and travel trailer located at 1502 Cornell Street, Susanville.

By signing below, I give the City of Susanville (or an agent on behalf of the City of Susanville) permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street, to inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws. The City of Susanville or an agent on behalf of the City of Susanville may enter the property and buildings on the following date and time:

Dated: _____

Signature of Occupant

Printed Name of Occupant

Signature witnessed by _____ on behalf of the City of Susanville. If the signature is witnessed on behalf of the City of Susanville then this form need not be notarized.

Dated: _____

Signature of Witness

Printed Name of Witness

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

CERTIFIED MAIL



7016 0750 0001 1672 2177

City of Susanville
Code Enforcement
66 N Lassen Street
Susanville CA 96130

All Occupants, ETAL
1502 Cornell St
Susanville CA 96130

U.S. Postal ServiceTM
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Certified Mail Fee	\$
Extra Services & Fees (check box, attach as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Mail Insurance (Registered Mail only)	\$
Postage	\$
Total Postage and Fees	\$
Sent to: <u>All Occupants, Etal</u>	
Street Address: <u>1502 Cornell St</u>	
City: <u>Susanville</u> State: <u>CA</u> ZIP+4: <u>96130</u>	

PS Form 3800, April 2013 PSN 7530-02-000-9018 See Reverse for Instructions

7016 0750 0001 1672 2177

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.

All Occupants, ETAL
1502 Cornell St
Susanville CA 96130



9590 9402 2979 7094 0371 51

2. Article Number (Transfer from service label)

7016 0750 0001 1672 2177

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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

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

1. Certified Mail Fee

2. Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt for Possession \$

☐ Return Receipt and Restricted Delivery \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

3. Total Postage and Fees

4. Sent To

All Occupants, Etal
1502 Cornell St
Susanville CA 96130

5. Signature of Addressee

[Signature]

6. Signature of Sender

[Signature]

7. Date of Delivery

7/16/18

8. PS Form 3811, April 2015 PSN 7530-02-000-9053

2272 2297 1000 0520 9702

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing data sets.

3. Once the information is gathered, the next step is to analyze it. This involves identifying patterns, trends, and relationships that can help in understanding the problem.

4. After analysis, the next step is to develop a solution or plan. This involves identifying the most effective approach to address the problem and outlining the steps to be taken.

5. Finally, the solution is implemented and the results are evaluated. This involves monitoring the progress of the implementation and assessing the effectiveness of the solution in addressing the problem.

2016 0750 0001 1672 2160

City of Susanville
Code Enforcement
66 N Lassen Street
Susanville CA 96130

Thomas & Shanna Glenn
472-309 Johnstonville Road
Susanville CA 96130

U.S. Postal ServiceTM
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For delivery information, visit our website at www.usps.com.

Accepted Mail Fee: \$

Additional Services & Fees (prices may vary by zip code)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent to: **Mr. & Mrs. J. J. Smith**
 475 S. 1st St.
 Phoenix, AZ 85004

Signature: *[Signature]*

Date: **April 1, 2015**

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

Building & Planning Division
66 N Lassen St.
Susanville CA 96130
(530)252-5117
CityofSusanville.org

Complaint Form

Non Confidential - Internal Use

Susanville Fire Department
1505 Main Street
Susanville CA 96130
(530)257-5152
www.fire@cityofSusanville.org

Date: 11/28/18
Name of person submitting Complaint: Gayle Wilburn trash Anonymous:
Address of alleged violation: 1502 CORNELL ST Susanville City Limits APN: 105 242 02
Tenant: NONE - VACANT

PROOF OF SERVICE

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the mailing occurred; my business address is: 66 N. Lassen Street, Susanville, CA 96130

On 6/6/18 at 1545 hrs (date & time), I served, by posting, the foregoing document(s) described as:

Letter dated June 6, 2018 titled "Administrative Citation & Order Prohibiting Continuation or Repeated Occurrences of the Code Violations" and "Letter Regarding Permission to Enter Property to Inspect" with compliance date of 21 days from the date of the letter and copy of Ordinance No. 17-1011

Administrative Citation dated June 6, 2018
Susanville Sanitary District dated May 2, 2018
Ordinance No. 17-1011
Letter Regarding Permission to Enter Property to Inspect dated June 6, 2018
Permission to Enter Property

To the following address is the address that the documents were posted at:

472-309 TOWNSEND RD
SUSANVILLE, CA 96130

[X] Location documents were posted at: SERVED THOMAS GLENN

DATED: 6/6/18

SCOTT JONES
Printed Name of Person Serving Documents

[Signature]
Signature of Person Serving Documents

CITY OF SUSANVILLE
EXHIBIT G



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 6.8.18

Time:

Name:

Permit No.:

Address: 1502 Cornell St

Contact Name:

Phone No.:

Inspection Type:

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
☐ Grading

Foundation

- ☐ Footings ☐ Dry pack
☐ Slab ☐ CMU Rebar
☐ Form & Walls ☐ Grout CMU

Framing

- ☐ Shear ☐ Electrical
☐ Framing ☐ Heating/Duct
☐ Plumbing ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing ☐ Mechanical
☐ Electrical ☐ Framing

Wall Covering

- ☐ Insulation ☐ Ceiling Grid
☐ Drywall ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1st Section ☐ Underlayment
☐ Ice Dam

Miscellaneous

- ☐ Electrical Service ☐ Int. Gas Piping
☐ Ext. Gas Piping ☐ Shower Pan
☐ Gas Service

Code Enforcement

- ☐ Site Inspection ☐ Work without Permit
☐ Red Tag

Final

- ☐ Building ☐ Electrical
☐ Plumbing ☐ Roof
☐ Wood stove/Insert ☐ Water Heater
☐ Mechanical ☐ Corrections

Approved _____ Correction Needed _____ Final _____

Comments/Correction: _____

Building Official:

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: Dogs and personal items on site.

CITY OF SUSANVILLE
EXHIBIT H

Holly Young

From: Anthony Hanner
Sent: Friday, June 08, 2018 2:17 PM
To: Dan Newton
Cc: City Attorney; Holly Young
Subject: 1502 Cornell Street

Team

On June 6th at approximately 3:30 pm Thomas Glenn requested a meeting with the city regarding an administrative citation that he had been served. During said meeting myself, City Administrator Dan Newton and City Attorney Jessica Ryan meet with Mr. Glenn in the building division conference room. During said meeting it had been discussed with Mr. Glenn on how we can move forward without encoring any additional penalties. Mr. Glenn had stated that he had already notified the individual living at 1502 Cornell St that they would have to leave the property immediately. Mr. Glenn stated that it would take some time to get a trailer removed that was one of the violations listed and it was agreed upon that it could be removed within ten days.

At the conclusion of the meeting Mr. Glenn agreed to coming to city hall and apply for a hearing to address the administrative citation. It was agreed that once we had his request in writing we would grant a 10 day period to get his affairs in order. At the end of the ten day period an inspection request by Mr. Glenn would be made and that the city would verify that the violations from the administrative citation would be addressed.

As of June 8th, 2018 Mr. Glenn has not come down to the city to make his formal request. In addition on June 7, 2018 two individuals had been witnessed, by myself, within an hour, had left the back yard location of 1502 Cornell street. On June 8th it had been observed by myself that dogs were still in the back yard that appear to be owned by the indavidul said to have been removed from this location.

Anthony S. Hanner
Building Official
City Of Susanville
66 N. Lassen Street
Susanville CA, 96130
530.252.5116



CITY OF SUSANVILLE
EXHIBIT I



City of Susanville

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

June 12, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

**Administrative Citation & Order Prohibiting Continuation or
Repeated Occurrences of the Code Violations**

Mr. & Mrs. Glenn,

You and the occupants are receiving this Administrative Citation in regards to the original notice mailed May 14, 2018 and received by Shanna Glenn on May 15, 2018 by certified mail.

In the original notice you and the occupants were made aware of the following violations located at 1502 Cornell Street, Susanville.

1. July 28, 2016 the home was "red tag" per California Health & Safety Code Chapter 17920.3. The residence lacked the running of hot and cold water and the sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. § 17920.3 Substandard building; conditions
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.

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org

- (10) Lack of required electrical lighting.
 - (11) Dampness of habitable rooms.
 - (12) Infestation of insects, vermin, or rodents as determined by the health officer.
 - (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 the health officer.
2. City of Susanville Municipal Code 15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited. It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)
 3. Public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property. 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. 17-1011 § 3, 2017)
 4. 8.32.060 Notification of nuisance. 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 ten (10) days. (Ord. 17-1011 § 3, 2017)

In the original notice dated May 10, 2018, as stated you had not less than ten (10) days to abate the violations. The violation fees were also stated within this letter in accordance to the City of Susanville Municipal Code 1.12.010 and following the process of the City of Susanville Municipal Code 8.40.030.

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:

- 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 five hundred dollars

(\$500.00) 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 one thousand dollars (\$1,000.00) 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. (Ord. 17-1011 § 1, 2017)

City of Susanville Municipal Code 8.40.030 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 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 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, 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, 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 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 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, entitlement, or review approved by the city.

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.

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.

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

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 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 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 of the property upon which the violation occurs.

F. **Administrative Citations in Lieu of Criminal Citations.** An administrative citation may be issued pursuant to this section in lieu of any criminal citation which could have been issued for the same violation. The issuance of the administrative citation shall not, however, prevent the 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. (Ord. 17-1011 § 4, 2017)

Per Susanville Municipal Code 8.40.090 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been corrected.

You are also advised that every day the violations are not corrected constitutes a new and separate offence and the City of Susanville may issue new citations with higher fines per the City of Susanville Municipal Code.

8.40.090 Payment of the fine.

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

Per Susanville Municipal Code 8.40.100 you may request a Hearing. That hearing would be before the Planning Commission of the City of Susanville.

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 days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Per the City of Susanville Municipal Code 8.40.110 a hardship waiver may be offered.

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.

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

C. The requirement of depositing the full amount of the fine as described in Section 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.

D. The finance manager may, after consultation with and approval by the city administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and 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.

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

F. The finance manager shall issue a written determination listing the reasons for his 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. (Ord. 17-1011 § 4, 2017)

The above procedures follow the City of Susanville Municipal Code Chapter 8.32 through 8.40.

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been rectified. The following violations must be remedied:

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

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. (Ord. 17-1011 § 1, 2017)

Fine Amount Due as of the Date of This Letter

The fine amount due as of the date of this letter is **\$2,300.00**

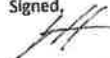
Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

You are hereby prohibited from continuing or repeating the code violations cited in this letter.

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530) 252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Signed,



Anthony Hanner
Building Official
City of Susanville

PROOF OF SERVICE

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the mailing occurred; my business address is: 66 N. Lassen Street, Susanville, CA 96130

On June 12, 2018 (date), I served the foregoing document(s) described as:

Letter dated June 12, 2018 titled "Administrative Citation & Order Prohibiting Continuation or Repeated Occurrences of the Code Violation's" and copy of Ordinance No. 17-1011

To the following parties:

Thomas & Shanna Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, ETAL
1502 Cornell St (1510 Cornell)
Susanville CA 96130

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville, CA (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.

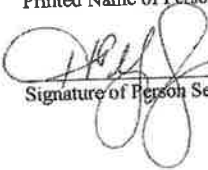
☐ (By Personal Service) I caused such envelope to be delivered by hand via messenger service to the address above;

☐ (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: June 12, 2018

Holly Young

Printed Name of Person Serving Documents



Signature of Person Serving Documents

CITY OF SUSANVILLE
EXHIBIT J

To: City of Susanville
 Building, Zoning, Code Enforcement Dept.
 From: Thomas & Shannah Glenn (OWNERS) of property said
 Susanville, CA
 Regarding: Abatement/Code Violation @ 1502 Cornell St.
 Susanville, CA 96130

This letter is in response to City of Susanville, Building and Code Enforcement Dept. and City council latest accusations of Code Violations regarding the residence we own located at 1502 Cornell St.

In a rush to Abate our said property, the City of Susanville's Building/Code Enforcement, City Counsel and Susanville Police Departments have violated its own procedures to enforce Building and Code violations to carry out property Abatements, while violating our property rights and constitutional rights (U.S. & state) as property owners and U.S. citizens. These careless actions by City Staff are due in part by unqualified staff/personell, selective Enforcement practices, personal grudge and/or personal gain or conflict. City staff has chosen to take the short-cut, (instead of the high road) and hit every double-standard, abuse-of-power-pot-hole to

(Cont.) to point "B" City staff
Used verbal and written threats, intimidation, (pg. 2)
and power trips to enforce false Code
Violations. The City "cut-off road" violated
our right to due process, search & seizure laws,
discrimination and property rights to name a few.

We are in the process of taking
up City Counsels advice and seeking a
qualified attorney to represent us in this
matter. Meanwhile here is examples of (attachments)
the City of Susanville's disregard to follow
the ordinances, laws and enforcement
procedures the City adopted, and instead
pick and choose, or just make up
the rules and laws as they see fit.

We will in the meantime, do
our best to address "actual" Code/Abatement
violations, such as keeping 1502 Cornell
St., clean and free of excess debris, boarding
up house to City code and requirements and
improve the condition overall (fences, landscape,
etc.) We will apply for any permits that
are required by City Bldg. Dept. (or
others) to perform improvements.

- (NOTICE OF VIOLATION,
1. DATE OF SERVICE) May 14 sent, (postmarked)
and recieved May 15. City staff
claims May 10 (letter date) as service date.
(Refer to Chapter 8.40.050) Postmark
date is day of service.
2. City staff violated 10 day to abate law.
Owner to be given "Not Less than 10
Days per violation". City staff began
the abatement period May 11, four
days before sending owner Notice
of Violation (First Violation offense/claim)
3. Owner of property must be given reasonable
time (but not LESS than 10 DAYS) to
Abate even a minor violation. City
Staff began fining owners May 21, six
days after owner recieving Notice of
Violations (May 15) City staff insisted
on 10 DAY MAX. ABATEMENT. (16 +
violations were cited)
4. NO DATES OR TIME FRAME FOR VIOLATIONS
(Refer to Chap. 8.40.060) OR ABATEMENT
DEADLINE PERIOD/DATE (Chap. 8.40.030) Section E.

(Chap. 8.40.030 & 8.40.060)

Building code violations fall under different enforcement.

- 5.] No violation description (E.G. - Guest bathroom, toilet broken and shower handle missing) No list of actions to correct violations. Reasonable time to correct each violation (NOT LESS THAN 10 DAYS) and a deadline date to correct violation(s) (E.G. - Violation date - May 10, Notice of Violation served - May 15. Expected Completion Date/Deadline - June 5) (Chap. 8.40.060)

- 6.] List of Bldg. Code Violations are in reference to Motel/Hotel suites and rooms and not to residential (single family resident) (in May 10 letter) How could City staff have listed violations that have not been inspected yet?

Without entering the residence at 1502 Cornell St. to know there is a violation?? Owners never gave permission to ANY CITY Staff or given a "request to inspect" by City Staff or law enforcement, etc. before May 10, 2018 (Request letter June, 6 was sent by City Staff, to enter residence to inspect within 24 hours or a search warrant will be issued if no response by Owners)

- Also, each violation must have a copy of the ordinance attached, (Chapter, section ref. and exceptions) (CONT. (3))

(cont.)- May 10, 2018, Cited me for Code violations Chapter 17920.3-(a) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, but received not one copy of this chapter or violations descriptions, how to fix it, time to fix, deadline to fix it, exceptions, etc. (because the most of 17920.3 is in reference to hotel, motel, suites, etc., Not single family residences

7) City Staff, (Anthony Harner) stood on his vehicle tail-gate and randomly took video and/or pictures of fenced back yard without any notification first (Early to mid-April, 2018) to owners or others.

8) City Police officer(s) was ordered by City Bldg./Zoning and City attorney to enter residence without notice, permission of owners, or No search warrant (End of April, First of May?) to do a "building inspection." The officer @ SPD admitted to me he did enter the building/residence for City Zoning/Bldg. request. Remember this is 10-15 days before the May 10 (actually May 15) first notice of violation was sent. ~~Cont. attach 4~~ →

cont. → Both (7) and (8) are violations of
Right to Search & Seize under the
U.S. Constitution. (Ref. to 832-090 & 832-050H
& 832100)

9) Violation for trailer (RV) on premises. Clearly
states no RVs in "front yard" (8-52-030 C)
and storage in Back yard is preferred.

10) (Refer to Chap. 1509 030 B 2,3,4)

(Ref to - 15-09-07 A, B
- 15-09-8 A, B, C, etc.

11)

I can go on and on and on
of the abuse of power and ignorance
of the law and unskilled staff to
pick on and intimidate the public and
violate innocent citizens Constitutional Rights,
Civil Rights, Property Rights, etc.

12) Oh, one more item City attorney & City Police
both said "I" and "Jimmy" (security/occupy of
1502 Cornell) were not included in CA sanctuary
law because ~~the~~ "don't have" brown skin...?

attach 5

1502
Cornell

cont- and not from Mexico?? "We" ("Jimmy and
I") "Don't meet the 'Criteria of Sanctuary
because we are white and not brown
skin and not from Mexico" - Susanville
Attorney and Susanville Police officer, June 21, 2018.
Quotes from our meeting.

CITY OF SUSANVILLE
RECEIVED
JUN 27 2018
BUILDING & PLANNING

CITY OF SUSANVILLE
EXHIBIT K



City of Susanville

66 N Lassen Street Susanville 96130
(530)252-5118

Date: 9.4.18

Time:

Name: Glenn, T

Permit No.: CE

Address: 1502 Cornell

Contact Name:

Phone No.:

Inspection Type: Insulation and construction all over

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
☐ Grading

Foundation

- ☐ Footings ☐ Dry pack
☐ Slab ☐ CMU Rebar
☐ Form & Walls ☐ Grout CMU

Framing

- ☐ Shear ☐ Electrical
☐ Framing ☐ Heating/Duct
☐ Plumbing ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing ☐ Mechanical
☐ Electrical ☐ Framing

Wall Covering

- ☐ Insulation ☐ Ceiling Grid
☐ Drywall ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1st Section ☐ Underlayment
☐ Ice Dam

Miscellaneous

- ☐ Electrical Service ☐ Int. Gas Piping
☐ Ext. Gas Piping ☐ Shower Pan
☐ Gas Service

Code Enforcement

- ☐ Site Inspection ☐ Work without Permit
☐ Red Tag

Final

- ☐ Building ☐ Electrical
☐ Plumbing ☐ Roof
☐ Wood stove/Insert ☐ Water Heater
☐ Mechanical ☐ Corrections

Approved _____ Correction Needed _____ Final _____

Comments/Correction: Construction demo trash out in front of the house.

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
EXHIBIT L



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 9.4.18

Time:

Name: Glenn, T

Permit No.: CE

Address: 1502 Cornell

Contact Name:

Phone No.:

Inspection Type: Insulation and construction all over

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: Construction demo trash out in front of the house.

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
EXHIBIT M



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 10/24/18

Time: 4 p.m.

Name: Glenn

Permit No.:

Address: 1502 Cornell St.

Contact Name:

Phone No.:

Inspection Type: Site inspection

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 X _____

Final _____

Comments/Correction: Demo work conducted on exterior of the house without permit.

Suspected unregistered trailer on site.

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

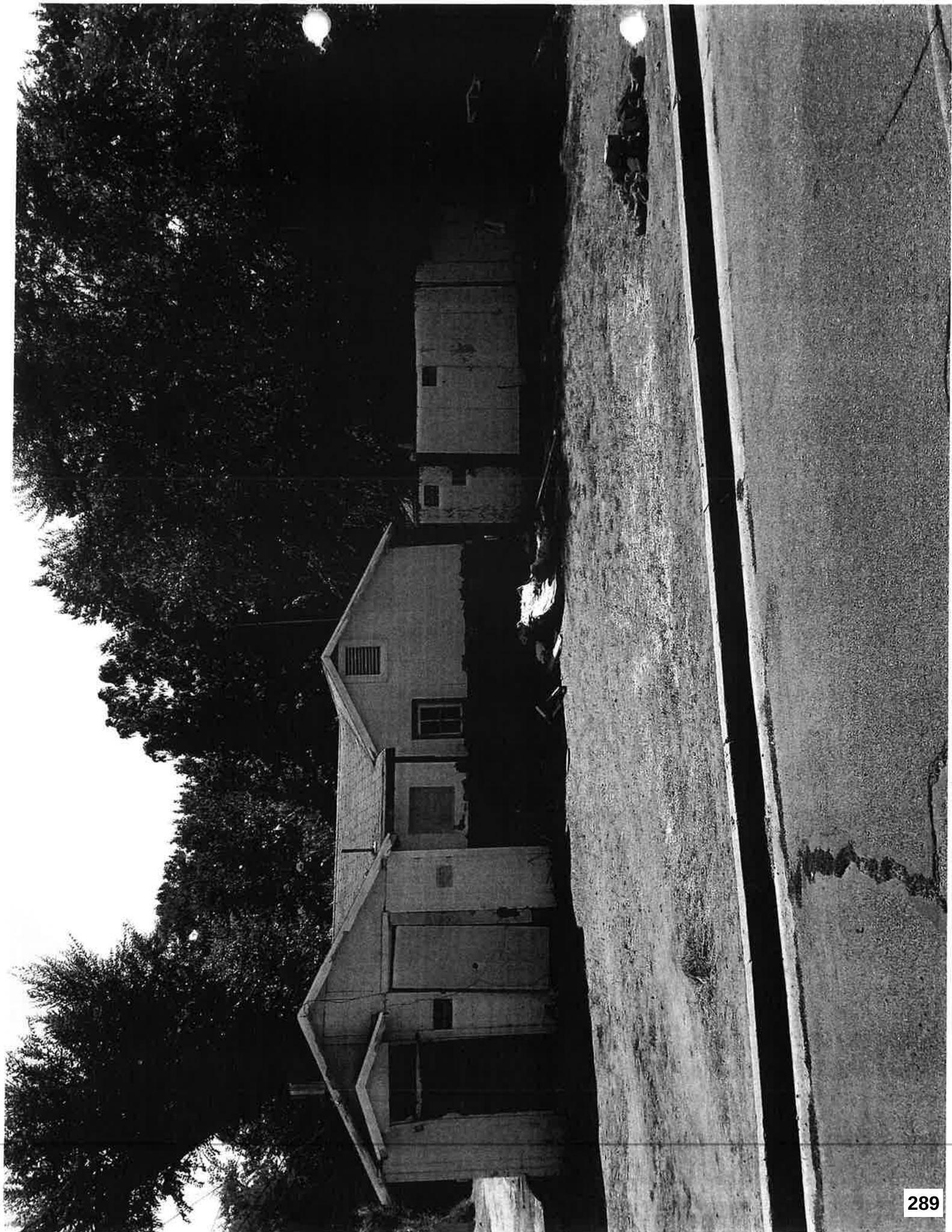
Chapter 1.12 GENERAL PENALTY 1.12.010 General penalty—Violations.

Re-inspection of Violation within 10 Days: ☐ Yes or ☐ No

Case Closed no Further Action: ☐ Yes or ☐ No

Building Official Comments: _____





CITY OF SUSANVILLE

EXHIBIT 'L'

Jessica Ryan SBN: 265081
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5114
attorney@cityofsusanville.org

Attorney for: City of Susanville

CITY OF SUSANVILLE
RECEIVED
NOV 19 2018
BUILDING & PLANNING

ENDORSED FILED
Clerk of the Superior Court
County of Lassen

NOV 20 2018

By gjm
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LASSEN

IN RE PROPERTY AT 1502 Cornell Street,
Susanville, CA 96130

CASE NO. 18-24

EXECUTION AND RETURN OF
INSPECTION WARRANT

[C.C.P SECTION 1822.51]

Property Owner: Thomas and Shannah
Glenn

I, Anthony Hanner, Building Official for the City of Susanville, certify that I personally executed the attached inspection warrant by inspecting of the place, premises, building, or structures described therein during the time allowed and in the manner specified by such warrant at 1502 Cornell Street, Susanville, CA 96130. The inspection is now complete. Prior to making said inspection, I did not provide notice pursuant to the attached Inspection Warrant. A copy of the inspection warrant was personally handed to Jimmy Edgar who occupied the property at 1502 Cornell Street and the purpose of the warrant was explained to him by City of Susanville, City Attorney Jessica Ryan Keeney (aka Jessica Ryan). The inspection commenced and was completed on 11/14/18 between the hours of 8 am and 8:50 am.

The inspection warrant was fully executed and is now returned to the Honorable Judge Giordano. Executed this 11/19/2018 at Susanville, California.

On 11/14/18 at approximately 8 am City of Susanville police officers secured the property at 1502 Cornell Street, Susanville and notified me that it was safe for me to execute the attached inspection warrant. When I arrived at 1502 Cornell Street the four occupants of the property

1 (Jimmy Edgar, Donell Gomez, Terry Mann and Melanie Albee) were detained and seated on the
2 curb in front of the property. Upon execution of the attached inspection warrant I observed
3 evidence of what I believe to be multiple code violations.

4 1. The following is a list of the Health and Safety Code violations I believe I observed

5 a. 17020.3 Occupying a red tagged building.

6 2. The following is a list of City of Susanville Municipal Code violations I believe I observed.

7 a. 15.16.020 - unlawful occupancy of a recreational vehicle,

8 b. 8.32.300 A. - maintaining a public nuisance,

9 c. 8.32.300 B. - causing a public nuisance.

10 3. Based on the City of Susanville Municipal Code, the following is a list of the public
11 nuisances I believe I observed on the property.

12 a. 8.52.030 A. 1. a., 8.52.030 A. 1. b., 8.52.030 A. 1. c., 8.52.030 A. 2., 8.52.030 A. 3.,
13 8.52.030 A. 4., 8.52.030 A. 5. - relating to disrepair of structures

14 b. 8.52.030 A. 6. - Litter, debris or abandoned personal property scattered in the
15 interior of a vacant or unoccupied building or structure in such a manner as to
16 create a fire hazard, health hazard or other condition which is injurious or
17 potentially injurious to public health, safety and welfare

18 c. 8.52.030 B. 1. a, b, c, d & e, 8.52.030 B. 2. a & b - relating to plant material causing a
19 nuisance

20 d. 8.52.030 C. 4, 5 - relating to vehicles

21 e. 8.52.030 D, 8.52.030 E. 1, 2, 3, 5, 6, 7, 8.52.030 F, 8.52.030 K, 8.52.030 M

22 f. 15.04.100 - Building Code violations

23 g. 15.04.150 - Work without a permit

24 h. 15.090.030 and various sub sections, 15.09.040, 15.09.050, 15.09.060, 15.09.070,
25 15.09.080, 15.09.090 - relating to vacant and neglected vacant buildings

26 i. 15.16.020 - recreational vehicles for occupancy as living quarters

27 4. The following people were cited with the following code violations.
28

- 1 a. Jimmy Dee Edgar – City of Susanville Municipal Code section 15.16.020 for
2 unlawful occupancy of a recreational vehicle,
3 b. Donell Lynn Gomez – City of Susanville Municipal Code section 15.16.020 for
4 unlawful occupancy of a recreational vehicle,
5 c. Terry Michael Mann Jr. – Health and Safety Code section 17920.3 for occupying a
6 red tagged building,
7 d. Melanie D. Albee – Health and Safety Code section 17920.3 for occupying a red
8 tagged building.

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

11 
12 _____
13 Anthony Hanner, City of Susanville Building Official
14

15  11-20-18
16 _____
17 TONY MALLERY - SUPERIOR COURT JUDGE -
18 LASSEN
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28

1 Jessica Ryan SBN: 265081
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5114
6 attorney@cityofsusanville.org

7 Attorney for: City of Susanville

FILED
Clerk of the Superior Court
County of Lassen

NOV 05 2018

By C. Dow
DEPUTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

10 IN RE PROPERTY AT 1502 Cornell Street,
11 Susanville, CA 96130

NO. 18-24
INSPECTION WARRANT

[C.C.P SECTION 1822.51]

12
13
14 Property Owner: Thomas and Shannah
15 Glenn

16
17 THE CITY OF SUSANVILLE, CALIFORNIA, the Building Division and their authorized
18 representatives:

19 PROOF, by testimony and/or written declaration, having been made before me by
20 Anthony Hanner submitted to the court on the (date) 11/05/2018

21 THAT THERE IS REASON TO BELIEVE that there exists 1502 Cornell Street, Susanville,
22 CA 96130, violations of Health and Safety Code Chapter 17920.3 and City of Susanville Municipal
23 Code section 15.16.020 with respect to the premises named in the caption above, as required by
24 the Code of Civil Procedure sections 1822.50 *et. Seq.* for the issuance of an Inspection Warrant,

25 YOU ARE THEREFORE COMMANDED TO INSPECT, INVESTIGATE AND SEARCH,
26 WHICH INSPECTION SHALL INCLUDE the observation, taking of photographs, taking of
27 video photography, taking samples, and questioning of or conferring with persons present on the
28 property privately to obtain information bearing on whether violations of the laws and

1 regulations regarding the entire premises of 1502 Cornell Street, Susanville. Inspection personnel
2 shall not interfere with the property observation of such investigations;

3 AND THIS INSPECTION shall authorize detention of persons present on the property as
4 necessary to effectuate this warrant, forcible entry into the house/residence, forcible entry into
5 building(s), forcible entry into outbuilding(s), forcible entry into structure(s), forcible entry into
6 recreational vehicle(s), forcible entry into trailer(s), forcible entry into camp trailer(s), forcible
7 entry into vehicle(s), forcible entry into tent(s);

8 AND THIS INSPECTION is authorized to be conducted by the City of Susanville Building
9 Official, officers from the City of Susanville Police Department, personnel from the City of
10 Susanville Fire Department, City of Susanville City Attorney, Lassen County Public Health
11 Department, City of Susanville Code Enforcement personnel.

12 AND THIS INSPECTION shall be from property boundary to property boundary for areas
13 specified at:

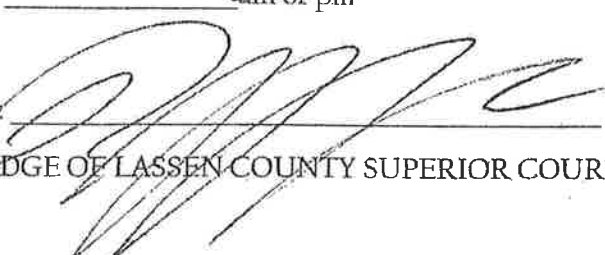
14 THE PREMESIS located at 1502 Cornell Street, Susanville, also known as 1510 Cornell
15 Street, Susanville. The following buildings are included in this warrant as an area to be inspected:
16 the house/residence, any and all outbuildings, any and all, any and all recreational vehicles, any
17 and all vehicles, any and all trailers, any and all campers, any and all structures, any and all tents.

18 FOR THE FOLLOWING: Compliance with the Health and Safety Code, compliance with
19 the Building Code, compliance with the City of Susanville Municipal Code.

20 THIS WARRANT shall expire on (date) 11/15/2018 and the RETURN must
21 be executed by (date) 11/20/18.

22
23
24 DATED: 11/15/2018

At 3:20 ~~am~~ or pm

25
26 By: 
27

28 JUDGE OF LASSEN COUNTY SUPERIOR COURT

1 AUTHORIZATION TO EXECUTE IN ABSENCE OF OWNER OR OCCUPANT

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant in the absence of
4 the owner or occupant is hereby authorized.

5 DATED: 11/5/18 At 3:20 ~~am~~ or pm

6
7 By: 
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT

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AUTHORIZATION TO DETAIN PERSONS PRESENT

FOR GOOD CAUSE SHOWN, the detention of persons present on the property as necessary to effectuate this warrant is authorized.

DATED: 11/5/18 At 3:20 ~~am~~ or pm

By: 
JUDGE OF LASSEN COUNTY SUPERIOR COURT

AUTHORIZATION FOR FORCIBLE ENTRY

FOR GOOD CAUSE SHOWN, forcible entry into the following on the property is hereby authorized: house/residence, building(s), outbuilding(s), structure(s), recreational vehicle(s), trailer(s), camp trailer(s), vehicle(s), tent(s), yard(s).

DATED: 11/5/18 At 3:20 ~~am~~ or pm

By: 

JUDGE OF LASSEN COUNTY SUPERIOR COURT

1 AUTHORIZATION TO EXECUTE BETWEEN THE HOURS OF

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant between the
4 hours of 8am-7pm is hereby authorized.

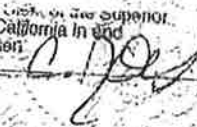
5 DATED: 11/5/18 At 3:20 ~~am~~ or pm

6
7 By: 

8 JUDGE OF LASSEN COUNTY SUPERIOR COURT

9
10
11 This Instrument is a
12 correct copy of the original

13 ATTEST: NOV 05 2018

14 Court of the State of California In and
15 for the County of Lassen
16 By: 

1 AUTHORIZATION TO EXECUTE WITHOUT NOTICE TO OWNER OR
2 OCCUPANT

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without notice
5 to the owner or occupant is hereby authorized.

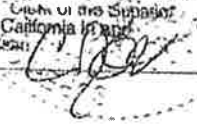
6 DATED: 11/5 At 3:20 ~~am~~ pm

7
8 By: 

9 JUDGE OF LASSEN COUNTY SUPERIOR COURT

10
11
12 This instrument is a
13 correct copy of the original
14

15 ATTEST NOV 05 2018

16 Court of the State of California in and
17 for the County of Lassen
18 By: 

Jessica Ryan SBN: 265081
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5114
attorney@cityofsusanville.org

Attorney for: City of Susanville

FILED
Clerk of the Superior Court
County of Lassen

NOV 05 2018

By

C. Dow
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LASSEN

IN RE PROPERTY AT 1502 Cornell Street,
Susanville, CA 96130

NO. *18-24*
INSPECTION WARRANT

[C.C.P SECTION 1822.51]

Property Owner: Thomas and Shannah
Glenn

THE CITY OF SUSANVILLE, CALIFORNIA, the Building Division and their authorized
representatives:

PROOF, by testimony and/or written declaration, having been made before me by
Anthony Hanner submitted to the court on the (date) *11/05/2018*;

THAT THERE IS REASON TO BELIEVE that there exists 1502 Cornell Street, Susanville,
CA 96130, violations of Health and Safety Code Chapter 17920.3 and City of Susanville Municipal
Code section 15.16.020 with respect to the premises named in the caption above, as required by
the Code of Civil Procedure sections 1822.50 *et. Seq.* for the issuance of an Inspection Warrant,

YOU ARE THEREFORE COMMANDED TO INSPECT, INVESTIGATE AND SEARCH,
WHICH INSPECTION SHALL INCLUDE the observation, taking of photographs, taking of
video photography, taking samples, and questioning of or conferring with persons present on the
property privately to obtain information bearing on whether violations of the laws and

1 regulations regarding the entire premises of 1502 Cornell Street, Susanville. Inspection personnel
2 shall not interfere with the property observation of such investigations;

3 AND THIS INSPECTION shall authorize detention of persons present on the property as
4 necessary to effectuate this warrant, forcible entry into the house/residence, forcible entry into
5 building(s), forcible entry into outbuilding(s), forcible entry into structure(s), forcible entry into
6 recreational vehicle(s), forcible entry into trailer(s), forcible entry into camp trailer(s), forcible
7 entry into vehicle(s), forcible entry into tent(s);

8 AND THIS INSPECTION is authorized to be conducted by the City of Susanville Building
9 Official, officers from the City of Susanville Police Department, personnel from the City of
10 Susanville Fire Department, City of Susanville City Attorney, Lassen County Public Health
11 Department, City of Susanville Code Enforcement personnel.

12 AND THIS INSPECTION shall be from property boundary to property boundary for areas
13 specified at:

14 THE PREMESIS located at 1502 Cornell Street, Susanville, also known as 1510 Cornell
15 Street, Susanville. The following buildings are included in this warrant as an area to be inspected:
16 the house/residence, any and all outbuildings, any and all, any and all recreational vehicles, any
17 and all vehicles, any and all trailers, any and all campers, any and all structures, any and all tents.

18 FOR THE FOLLOWING: Compliance with the Health and Safety Code, compliance with
19 the Building Code, compliance with the City of Susanville Municipal Code.

20 THIS WARRANT shall expire on (date) 11/15/2018 and the RETURN must
21 be executed by (date) 11/20/18.

22
23
24 DATED: 11/15/2018

At 3:20 ~~am~~ or pm

25
26 By: 
27 JUDGE OF LASSEN COUNTY SUPERIOR COURT
28

1 AUTHORIZATION TO EXECUTE IN ABSENCE OF OWNER OR OCCUPANT

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant in the absence of
4 the owner or occupant is hereby authorized.

5 DATED: 11/5/18 At 3:20 ~~am~~ or pm

6
7 By: 
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT
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1 AUTHORIZATION TO DETAIN PERSONS PRESENT

2

3 FOR GOOD CAUSE SHOWN, the detention of persons present on the property as

4 necessary to effectuate this warrant is authorized.

5 DATED: 11/5/18 At 3:20 ~~am~~ or pm

6

7 By: 

8 JUDGE OF LASSEN COUNTY SUPERIOR COURT

9

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AUTHORIZATION FOR FORCIBLE ENTRY

FOR GOOD CAUSE SHOWN, forcible entry into the following on the property is hereby
authorized: house/residence, building(s), outbuilding(s), structure(s), recreational vehicle(s),
trailer(s), camp trailer(s), vehicle(s), tent(s), yard(s).

DATED: 11/5/18 At 3:20 ~~am~~ or pm

By: 

JUDGE OF LASSEN COUNTY SUPERIOR COURT

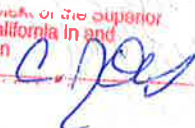
1 AUTHORIZATION TO EXECUTE BETWEEN THE HOURS OF

2
3 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant between the
4 hours of 8am-7pm is hereby authorized.

5 DATED: 11/5/18 At 3:20 ~~am~~ or pm

6
7 By: 
8 JUDGE OF LASSEN COUNTY SUPERIOR COURT
9

10
11 This Instrument is a
12 correct copy of the original
13 ATTEST: NOV 05 2018

14 Court of the State of California in and
15 for the County of Lassen
16 By: 

1 AUTHORIZATION TO EXECUTE WITHOUT NOTICE TO OWNER OR
2 OCCUPANT

3
4 FOR GOOD CAUSE SHOWN, the execution of this Inspection Warrant without notice
5 to the owner or occupant is hereby authorized.

6 DATED: 11/5 At 3:20 ~~am~~ pm

7
8 By: 
9 JUDGE OF LASSEN COUNTY SUPERIOR COURT

10
11
12 This Instrument is a
13 correct copy of the original

14 ATTEST NOV 05 2018

15 Clerk of the Superior
16 Court of the State of California in and
17 for the County of Lassen
18 By: 

Jessica Ryan Keeney SBN: 265081
City Attorney for City of Susanville
66 North Lassen Street
Susanville, CA 96130
Phone: 530-252-5114
attorney@cityofsusanville.org

Attorney for: City of Susanville

FILED
Clerk of the Superior Court
County of Lassen

NOV 05 2018

By

DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LASSEN

IN RE PROPERTY AT 1502 Cornell Street,
Susanville, CA 96130

APPLICATION FOR INSPECTION WARRANT
UNDER C.C.P. SECTION 1822, ET SEQ.;
DECLARATIONS OF ANTHONY HANNER IN
SUPPORT THEREOF

[PROPOSED INSPECTION WARRANT FILED
CONCURRENTLY HEREWITH]

Property Owner: Thomas and Shannah
Glenn

THE CITY OF SUSANVILLE, CALIFORNIA, HEREBY submits its Application for an
Inspection Warrant as provided for by C.C. P. Sections 1822.50 *et seq.* This Application is based
upon the Memorandum of Points and Authorities and the Declaration(s) of Anthony Hanner,
Building Official for the City of Susanville, attached hereto, and upon any oral and documentary
evidence, which may be presented to the Court.

DATED: 11/02/18

Respectfully submitted,

By:

Jessica Ryan Keeney
JESSICA RYAN KEENEY
Attorney for CITY OF SUSANVILLE

This Instrument is a
correct copy of the original

ATTEST: NOV 05 2018

Clerk of the Superior
Court of the State of California in and
for the County of Lassen

By

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

The property located at 1502 Cornell Street, Susanville, CA 96130 ("Property": i) is also sometimes referred to as 1510 Cornell because there was a mail box near the street at the front of the property with the numbers 1510 on the mail box, ii) is located on Cornell Street in Susanville, California between the houses at 1512 Cornell Street and 1505 Cornell Street, iii) contains a single family home, located in a single-family rural residential neighborhood within the City of Susanville city limits, iv) appears to have multiple City of Susanville Municipal Code violations as well as California Health and Safety Code violations including but not limited to the power being shut off to the residence, lack of hot and cold running water to the residence, the windows and doors on the residence are boarded up which likely creates lack of proper ventilation and natural light to the residence, the residence being "red tagged" for Health and Safety Code and Municipal Code violations with people possibly living inside the residence, possible unpermitted construction on the property, unpermitted demolition on the property as well as the possibility of someone living in a recreational vehicle that is parked in the back yard. See Declaration of Anthony Hanner for more detail. The full extent of the code violations and dangerous conditions are unknown because the City has not been provided full access to inspect the structure(s) on the Property.

California Health and Safety Code Chapter 17920.3 reads in pertinent part,

"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....

(3) Lack of, or improper kitchen sink....

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

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

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

(10) Lack of required electrical lighting...

(14) General dilapidation or improper maintenance.

- (15) Lack of connection to required sewage disposal system.
- (16) 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....
- (c) Any nuisance....
- (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...."

Pursuant to City of Susanville Municipal Code section 15.16.020, "It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city."

Now the City needs to determine the extent of the City of Susanville Municipal Code and violations of State of California law including but not limited to Health and Safety Code and Building Code and damage on the property to determine how best to abate this property to

1 protect the health and safety of the residents of the City of Susanville as well and the inhabitants
2 of the structure(s) on the Property.

3
4 2. Absent Consent to Enter Private Property, A Warrant is Required Prior to Entry for
5 Purposes of Inspection

6 The Fourth Amendment generally requires that the City of Susanville obtain an inspection
7 warrant for the non-consensual entry onto private property to conduct an inspection. (*Camara v*
8 *Municipal Court* (1967) 387 U.S. 523, 528-529.) This Court is authorized by Code of Civil Procedure
9 Sections 1822.50 *Et Seq.* to issue a civil inspection warrant to the City of Susanville.

10
11 Code of Civil Procedure section 1822.50 provides that:

12 An inspection warrant is an order, in writing, in the name of the people, signed by
13 a judge of the court of record, directed to a state or local official, commanding him
14 to conduct any inspection required or authorized by state or local law or
15 regulation relating to building, fire, safety, plumbing, electrical, health, labor, or
zoning.

16 Code of Civil Procedure section 1822.51 provides that:

17 An inspection warrant shall be issued upon cause, unless some other provision of
18 state or federal law makes another standard applicable. An inspection warrant
19 shall be supported by an affidavit, particularly describing the place, dwelling,
20 structure, premises, or vehicle to be inspected and the purpose for which the
21 inspection is made. In addition, the affidavit shall contain either a statement that
consent to inspect has been sought and refused or facts or circumstances
reasonably justifying the failure to seek such consent.

22 The inspection warrant shall be issued under Code of Civil Procedure section 1822.54:

23
24 If the judge is satisfied that the proper standard for issuance of the warrant has
25 been met, he or she shall issue the warrant particularly describing each place,
26 dwelling, structure, premises, or vehicle to be inspected and designating on the
27 warrant the purpose and limitations of the inspection, including the limitations
28 required by this title.

1 In the *City and County of San Francisco v. Municipal Court* (1985) 167 Cal. App.3d 712, 719, the
2 court stated that a civil inspection warrant must be justified by reasonable governmental
3 interests. Where the governmental interest at stake is to enforce building standards and thereby
4 prevent conditions that are hazardous to public health and safety, the test for determining
5 reasonableness may vary with the particular municipal program being enforced. (*Id.*)
6 "Enforcement, obviously, cannot be accomplished without inspection and Camara permits an
7 inspection with a warrant to enforce building codes." (*Id.* At 720). Thus, the court authorized an
8 inspection warrant to allow redevelopment officers to enter private property to determine
9 whether that property complied with redevelopment standards.

10
11 A. All prerequisites for issuance of an inspection warrant are met in the instant
12 action.

13 This application satisfies all prerequisites for the issuance of an inspection warrant. As
14 required by C.C. P. section 1822.54, the proposed Inspection Warrant describes each building,
15 place, structure, or premises to be inspected and designates the purpose and limitations of the
16 inspection. As provided in C.C. P. section 1822.55, the proposed Inspection Warrant is effective
17 for not more than fourteen (14) days.

18
19 B. The City seeks Court authorization to be relieved of certain requirements of
20 typical Inspection Warrants; this Court has the authority to do so and there is
21 good cause to do so.

22 i. It is reasonably necessary to extend the hours of to conduct the search one
23 hour past the prescribed hour of 6 pm.

24
25
26 In pertinent part, Code of Civil Procedure section 1822.56 requires that:

27 An inspection pursuant to this warrant may not be made between 6:00 p.m. of
28 any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or
occupant of the particular place, dwelling, structure, premises, or vehicle unless

1 specifically authorized by the judge upon a showing that such authority is
2 reasonably necessary to effectuate the purpose of the regulation being enforced.

3 The proposed warrant provides that the inspection shall be made from 8 am until
4 7 pm. – one hour past the hours generally prescribed by C.C.P. section 1822.56. The City
5 makes this request because it is believed that occupants live on the premises and remain
6 on the premises after sunset. As of the drafting of this pleading, sunset happens about
7 6:30 pm. The owner or occupant argued in the past that the person/people present at the
8 premises during the day were repairing the premises to bring the premises into
9 compliance with the Health and Safety Code, Building Code and Municipal Code. If a
10 person is present at the premises after dark, it is unlikely that the person is repairing the
11 premises. Therefore, it is necessary to inspect the premises after dark to determine if the
12 premises is occupied as a dwelling (See attached declaration).

13 Further, the City requests that this inspection be permitted to proceed without
14 the owner or occupant because the City previously sought consent of the occupant to
15 inspect the premises and the owner declined to grant consent. In notices mailed to the
16 owner and occupant and posted at the premises, consent to inspect the premises was
17 included and never returned to the City. The owner and occupant of the residence have
18 been combative with City staff and neighbors and are believed to be violent. Even if
19 present may resist the inspection and have to be arrested. (See attached declaration).

20 ii. It is reasonably necessary to provide no notice of execution of
21 warrant.

22 In pertinent party, Code of Civil Procedure section 1822.56 provides that:

23 Where prior consent has been sought and refused, notice that a
24 warrant has been issued must be given at least 24 hours before the
25 warrant is executed, unless the judge finds that immediate
execution is reasonably necessary in the circumstances shown.

26 It is very important to inspect the property without notice to determine if
27 the premises is being used for a dwelling. (See attached declaration.)
28

1 iii. Facts and circumstances justify failure to seek consent to inspect
2 from individual inhabitants of rooms of house.

3 In pertinent part, Code of Civil Procedure section 1822.51 requires that:

4 [T]he affidavit shall contain either a statement that consent to inspect has
5 been sought and refused or facts or circumstances reasonably justifying
6 the failure to seek such consent.

7 The City has sought consent to inspect from the owner/occupant and his representatives
8 without success (see declaration), so the requirements of Code of Civil Procedure section 1822.51
9 as to seeking consent of the owners/occupants of the house (Thomas Glenn, Shannah/Shanna
10 Glenn, Jimmy Edgar) have been met. Therefore, the failure to obtain such consent from each
11 individual is justified.

12 iv. Facts and circumstances justify forcible entry.

13 In pertinent part, Code of Civil Procedure section 1822.56 requires that:

14 An inspection pursuant to a warrant shall not be made by means of
15 forcible entry, except that the judge may expressly authorize a forcible
16 entry where facts are shown sufficient to create a reasonable suspicion of
17 a violation of a state or local law or regulation relating to building, fire,
18 safety, plumbing, electrical, health, labor, or zoning, which, if such
19 violation existed, would be an immediate threat to health or safety, or
20 where facts are shown establishing that reasonable attempts to serve a
21 previous warrant have been unsuccessful.

22 The City has sought consent to inspect from the owner/occupant and his representatives
23 without success (see declaration). The City believes that the owner/occupant will deny the City
24 entry into the house/residence on the property, any an all vehicles, any and all trailers, any and all
25 outbuildings, any and all yards, any and all recreational vehicles, any and all structures and
26 basically any and all locations on the property. The City believes the owner/occupant will refuse
27 to open any locked structures, vehicles, trailers or the like to allow inspection pursuant to this
28 warrant. Therefore, in order to inspect the premises pursuant to this warrant, the City will need
to forcibly enter any locked structure, vehicle, trailer or the like when/if the owner/occupant
refuses to open any unlocked structure, vehicle, trailer or the like.

1 v. Facts and circumstances justify detention of persons present.

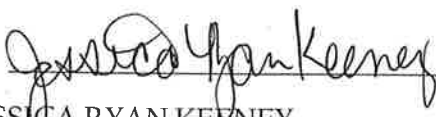
2 There is a history of allegedly violent and allegedly criminal incidents at 1502
3 Cornell (see attached declaration). Based on this history of allegations, the City believes
4 it may be necessary to detain the owner(s)/occupant(s) and anyone on the premises and
5 not involved in executing the warrant for the safety of those executing the warrant.
6

7 3. Conclusion

8 Based upon the foregoing and the Declaration of Anthony Hanner (attached hereto), the
9 City of Susanville respectfully requests that the Court issue an Inspection Warrant to permit the
10 City of Susanville to enter onto the Property at 1502 Cornell Street, Susanville: i) in the absence of
11 the owners and/or occupants; ii) without notice to the owner or occupant; iii) enter into and
12 inspect the house/residence, building(s), outbuilding(s), structure(s), recreational vehicle(s),
13 trailer(s), camp trailer(s), vehicle(s), tent(s) on the property and sub-parts therein; iv) to forcible
14 entry into the house/residence, forcible entry into building(s), forcible entry into outbuilding(s),
15 forcible entry into structure(s), forcible entry into recreational vehicle(s), forcible entry into
16 trailer(s), forcible entry into camp trailer(s), forcible entry into vehicle(s), forcible entry into
17 tent(s); iv) to enter for inspection between the hours of 8 am and 7 pm, v) to detain any persons on
18 the premises if necessary to execute the warrant, vi) to ensure the Property is in compliance with
19 all applicable laws, including but not limited to, City of Susanville Municipal Code, and to
20 determine the extent of the damage and the threat to the public's health and safety,
21

22 DATED: 11/02/18

Respectfully submitted,

24 By: 

25 JESSICA RYAN KEENEY
26 Attorney for CITY OF SUSANVILLE
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1 Monday April 30, 2018 to find the best way to do this. They discovered the property was
2 occupied with people living in a trailer with dogs in the back hooked up to generators.'

3 'Our Operators felt threatened by the occupants so they did not pursue the
4 disconnection..."

5 f. 05/10/18 the City of Susanville mailed the property owners Thomas and Shannah Glenn a
6 letter notifying them of the code violations at 1502 Cornell. This letter was mailed to Thomas and
7 Shannah Glenn at 472-309 Johnstonville Road, Susanville, CA via Certified Mail and via first class
8 mail. The same letter was mailed to "To All Residents of: 1502 Cornell Street, Susanville, CA..." via
9 first class mail at 1502 Cornell Street, Susanville, CA. (Exhibit D)

10 g. 06/04/18 & 06/05/18 - I made an inspection report for 1502 Cornell because when I
11 stopped by the property to see if the code violations were fixed I noticed that the occupant was
12 still living on the property and the camp trailer moved from the side yard to the back yard. The
13 Occupant told me that he received the warning notice from the City of Susanville, that he and the
14 owner didn't care about the code violations and that the City would have trouble if the camp
15 trailer was moved. (Exhibit E)

16 h. 06/06/18 City of Susanville staff sent to Thomas and Shanna Glenn at 472-309
17 Johnstonville Road, Susanville via Certified Mail a letter requesting permission to enter and
18 inspect the property at 1502 Cornell and a letter titled "Administrative Citation & Order
19 Prohibiting Continuation or Repeated Occurrences of the Code violations as well as a copy of
20 City of Susanville Ordinance 17-1011. These same documents/letters were personally delivered to
21 Thomas at 472-309 Johnstonville Road, Susanville by Susanville Police Department Detective
22 Stott Jones. (Exhibit F)

23 i. 06/06/18 Thomas Glenn met with City Attorney Jessica Ryan Keeney, Interim City
24 Administrator Dan Newton, Permit Technician Holly Young and me at City Hall to discuss the
25 letter letter/documents he was personally served with on 06/06/18.

26 j. 06/08/18 I drove by 1502 Cornell Street, Susanville and noted that there were dogs and
27 personal items on the property. (Exhibit G)

1 k. 06/08/18 I sent an e-mail to the staff members present with Mr. Glenn and me at the
2 06/06/18 meeting summarizing what Mr. Glenn agreed to do, stating that what Mr. Glenn said he
3 would do wasn't done and stating that I observed individuals leaving the back yard at 1502
4 Cornell and that I observed dogs still in the back yard. In short, Mr. Glenn agreed to remove the
5 tenant/occupant living in the camp trailer, remove the camp trailer within 10 days of the 06/06/18
6 meeting, request an administrative hearing to address the administrative citation issued on
7 06/06/18 and request an inspection by the City of Susanville to verify that the code violations no
8 longer existed. A copy of the e-mail I sent is attached as Exhibit H. Mr. Glenn failed to do any of
9 the things he agreed to do in the 06/06/18 meeting. Mr. Glenn stated during the meeting that even
10 once the tenant moved off the property there would probably still be people on the property
11 during the day to work on the house and yard.

12 l. 06/12/18 Permit Technician Holly Young served another "Administrative Citation &
13 Order Prohibiting Continuation or Repeated Occurrences of the Code Violations" and another
14 copy of Ordinance No. 17-1001 by mail on Thomas and Shanna Glenn at 472-309 Johnstonville
15 Road, Susanville and All Occupants, ETAL 1502 Cornell St (1510 Cornell), Susanville. (Exhibit I)
16 Note that although the proper address for the property is 1502 Cornell someone placed a mailbox
17 in front of the house with the address 1510 on the mailbox.

18 m. 06/27/18 Thomas Glenn delivered to the City of Susanville a hand written letter which
19 appears to explain why he believes the property at 1502 Cornell is not in violation of any codes.
20 Notably, he does not request an administrative hearing in the letter, he does not grant permission
21 to the City of Susanville to enter the property at 1502 Cornell to inspect the property for code
22 violations and his letter demonstrates a lack of understanding of the law. (Exhibit J)

23 n. 09/04/18 I drove by 1502 Cornell Street again and noted on an inspection report that
24 there was insulation and construction/demolition material all over the yard, there was also trash
25 in the yard. (Exhibit K) Not noted in the report, however, there are no construction or demolition
26 permits issued by the City of Susanville for 1502 Cornell Street.

27 o. I continue to periodically drive by 1502 Cornell Street and recently noted the following:
28 stucco is missing from the side of the house, the windows on the house continue to be boarded

1 up, the camp trailer is still visible in the back yard. Specifically, on 09/04/18 when I drove by the
2 Property I noted that there was construction and demolition trash in the front of the house
3 (Exhibit L). On 10/24/18 when I drove by the property I noticed that demolition work was being
4 conducted on the outside of the house. (Exhibit M) No permits have been issued for demolition or
5 construction on the Property and it is my belief that the demolition and construction on the
6 Property is happening without a permit.

7 p. Based on my continued observations of 1502 Cornell Street, the fact that no permits
8 have been issued by the City of Susanville (1502 Cornell Street is within City of Susanville city
9 limits) for construction or demolition at 1502 Cornell Street, no permission to enter the property
10 and inspect for code violations has been granted by the occupant or the owners and the occupant
11 of 1502 Cornell has been continually combative with City staff and staff from the Sanitary
12 District, I believe that code violations persist at 1502 Cornell Street, I believe that seeking
13 permission to enter the property will be futile, I believe that if the property owners or occupants
14 were present during execution of an inspection warrant, they may resist execution of the warrant
15 and inspection of the property.

16 q. One of the time times I visited 1502 Cornell the occupant Mr. Edgar told me in pertinent
17 part, "We will have a problem if you try to remove the trailer."

18 r. There have been multiple incidents of alleged violence and alleged criminal activity at
19 1502 Cornell (Exhibit N). I do not have personal knowledge of these allegations and my
20 knowledge is based on a review if the attached document.

21 2. Consent for Complete Inspection Denied by Owner

22 a. In the 06/06/18 letter that the City of Susanville sent to the owners and occupant of 1502
23 Cornell, the City of Susanville requested permission to enter the property to inspect. During the
24 06/06/18 meeting (referenced above) between City Staff and owner Thomas Glenn, the City
25 Attorney asked Mr. Glenn to give City Staff permission to enter the property at 1502 Cornell
26 Street to inspect for code compliance. Mr. Glenn did not give consent to enter the property. Mr.
27 Glenn agreed to voluntarily abate the code violations at 1502 Cornell and seek an inspection from
28 the City of Susanville so the City could assess code compliance. Mr. Glenn failed to seek an

1 inspection. Nearly 4 months after the City of Susanville sought consent from the property owners
2 and occupant to enter the property to inspect for code compliance and nearly 4 months after Mr.
3 Glenn stated that he would seek an inspection from the City, no consent to enter the property has
4 been given to the City of Susanville.

5 3. Request for Inspection

6 a. An inspection warrant is sought, specifically allowing the City of Susanville's Building
7 Official and a City of Susanville Police Officer to enter onto the Property at 1502 Cornell Street,
8 Susanville in the absence of the owners and/or occupants, to enter the house and other buildings
9 on the Property, to inspect any outbuildings on the Property, to inspect any vehicles on the
10 Property, to inspect any trailers on the property, to inspect any recreational vehicles on the
11 property, to inspect any tents on the property, to inspect the yards on the property, to inspect the
12 interiors, and subparts thereof, to ensure the Property is in compliance with all applicable laws,
13 including but not limited to, City of Susanville Municipal Code, and to determine the extent of the
14 damage and the threat to the public's health and safety.

15 4. Request for No Notice

16 a. It is necessary to execute this warrant without notice to the property owners or
17 occupant in order to determine if the property is being used as a residence. Notice to the owners
18 or occupants may result in then owners or occupants hiding evidence that the property is being
19 used as a residence.
20

21 5. Request for Forcible Entry to Inspection With or Without Owner and Occupant Being 22 Present

23 a. It may be necessary to use force to enter and inspect the property because permission to
24 enter the property for inspection purposes has been declined, I believe parts of the property may
25 be boarded up or locked up and that the owners and/or occupant will not grant access to City
26 Staff in order to execute an inspection warrant.
27

1 b. An inspection warrant needs to be executed without the property owners and/or
2 occupant present because the property owners and occupant failed to grant permission to the
3 City of Susanville to inspect the property, the occupant has been combative to the point that staff
4 at the Susanville Sanitary District feared for their safety and would not enter the property to
5 conduct business out of fear for their safety.

6 **6. Request for Extension of Hours to Search**

7 a. The inspection warrant needs to be executed between 8 am and 7 pm.

8 b. The inspection warrant needs to be executed during these hours instead of the regular
9 hours because the property owner previously commented that there would be people working on
10 the property during the day to bring the property into compliance. Sunset is about 6 pm as of the
11 drafting of this declaration. I believe that any work on the property should reasonably stop no
12 later than sunset and an occupant on the property after sunset is likely living on the property.

13 **7. Need to Detain Persons Present**

14 a. Allegedly there have been violent and possibly criminal events at this property. I felt the
15 occupant Mr. Edgar threatened me if I sought entry into the buildings or vehicles on the property
16 for inspection purposes. Susanville Sanitary District staff were fearful for their safety when they
17 attempted to physically disconnect the sewer on this property. The owner and occupant have
18 already denied City of Susanville staff entry onto the property to inspect for code violations. Based
19 on all of this, I believe that when this inspection warrant is executed the owner/occupants of the
20 property may be combative at best and violent at worst toward the officials executing the
21 warrant. To ensure the safety of those executing this warrant, the owner of the property and the
22 occupant(s) of the property as well it may be necessary to detain any persons present on the
23 property other than those officials executing this warrant and inspecting the Property.

24 b. Based on everything discussed in this declaration, it is necessary that Susanville Police
25 Officers are present when this warrant is executed and the Property is inspected to detain any
26 persons who need to be detained, to ensure the safety of persons executing this warrant, the
27 property owner, the occupant and the surrounding community as well as to forcibly enter any
28 part of the property necessary.

1 8. Agencies and Personnel Inspecting the Property

2 a. Given the number of and type of code violations I believe to be present on the Property, I
3 believe it is necessary that the following agencies and personnel are authorized to be present
4 when this warrant is executed and the Property is inspected: the City of Susanville Building
5 Official (me), officers from the City of Susanville Police Department, personnel from the City of
6 Susanville Fire Department, City of Susanville City Attorney, Lassen County Public Health
7 Department, Lassen Municipal Utility District, Susanville Sanitary District, City of Susanville
8 Code Enforcement personnel.

9
10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Dated: 11-2-18



13 Anthony Hanner, Building Official for
14 City of Susanville



CITY OF SUSANVILLE
EXHIBIT A

Building & Planning Division
66 N Lassen St.
Susanville CA 96130
(530)252-5117
City@susanville.org

Complaint Form

Not Confidential - Internal Use

Susanville Fire Department
1505 Main Street
Susanville CA 96130
(530)257-4142
www.fire.cityofsusanville.org

Date: 6/22/16

Name of person submitting Complaint: 1500 Cornell owner Anonymous: ☐

Address of alleged violation: 1502 Cornell Susanville City Limits APN: 10526202

Owner: Glen Thrust & Shannon Tenant: yes

Mailing Address: 472 309 Johnstonville 96130

Nature of Complaint:

Tenant is burning garbage, and has an over abundance
of possible stolen bikes.

Office Use Only

Referred To: ☐ Admin ☐ Planning ☐ Building ☐ Fire Department ☐ PW ☐ Police

Code Case #: _____

Received by: 8

Date: 6/22/16

Case reviewed by: CS

Open Case On: _____

Closed Case On: _____

Investigation Report:

Letter sent 6/22/16 referred to Fire Dept.
7/20/16 house risk-tagged no under 20
Fire Dept. has noticed property for clean-up.

☒ Pictures Taken

☒ Letter Sent

☒ Referred to another Agency

☐ No Violation Found

When finished return all documentation to the Permit Technician



Return this form to Building & Planning Division. The appropriate person will be given this form to begin investigation.

6/1/2016

PARCELQUEST

20 Property Address: 1502 CORNELL ST

Ownership

County:

Assessor:

Parcel # (APN):

Parcel Status:

Owner Name:

Mailing Address:

Legal Description:

LASSEN, CA

DANIEL SCHLUETER, ASSESSOR

105-282-02-11

ACTIVE

GLENN THOMAS A & SHANNAH L

472-309 JOHNSTONVILLE RD
SUSANVILLE CA 96130

Assessment

Total Value: \$23,128

Land Value: \$15,216

Impr Value: \$7,912

Other Value:

% Improved: 36%

Exempt Amt:

Use Code:

Tax Rate Area: 001-033

Year Assd: 2015

Property Tax:

Delinquent Yr:

HO Exempt:

N130X

Use Type:

Zoning:

Census Tract:

Price/SqFt:

RESID. SINGLE
FAMILY

Sale History

Document Date:

Document Number:

Document Type:

Transfer Amount:

Seller (Grantor):

Sale 1
01/06/2005
2005-00107

Sale 2
12/02/1986
0466-556

Sale 3

Transfer
01/06/2005
2005-00107

Property Characteristics

Bedrooms: 2

Baths (Full): 2

Baths (Half):

Total Rooms:

Bldg/Liv Area: 707

Lot Acres:

Lot SqFt: 1820

Year Built:

Effective Year:

Fireplace:

A/C:

Heating:

Pool:

Perk Type:

Spaces:

Gorge SqFt:

Units: 1

Stories: 1.0

Quality: 4.0

Building Class: D

Condition:

Site Influence:

Timber Preserve:

Ag Preserve:

<https://www.parcelquest.com/home>

CITY OF SUSANVILLE
EXHIBIT B



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: 7/25/16 Time: _____

Name: _____

Type: Post

Notes: No water

Permit No.: _____

Address: 1502 Cornell

Phone: 530 252 1117

• 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: Posters do not comply

Approved _____

Correction Needed ☒

Finalized ☐

Inspector: _____

CITY OF SUSANVILLE
EXHIBIT C



SUSANVILLE SANITARY DISTRICT

46 S. Reep St.
P.O. Box 158
Susanville, CA 96130
Office: (530) 257-5665
Fax: (530) 251-8228

May 2, 2018

City of Susanville
86 N. Lassen Street
Susanville, CA 96130

Re: 1502 Cornell Street, Susanville, CA - APN: 105-262-02-11

To Whom It May Concern:

This letter is in regards to the above-named property and the "Red Tag". This property should be physically disconnected. Our Operators surveyed the property on Monday, April 30, 2018 to find the best way to do this. They discovered the property was occupied with people living in a trailer with dogs in the back hooked up to generators.

Our Operators felt threatened by the occupants so they did not pursue the disconnection. They would have to get on the property to camera the line or go through the neighbor's yard to find the best place to disconnect. I have not been able to contact the owner Tommy Glenn to get permission to go onto the property so our Operators could not pursue the physical disconnect.

It is in the best interest "safety wise" that our Operators not physically disconnect this property at this time. When the occupants are removed or we have permission from the owner, we will proceed with the physical disconnection. The District will not put our Operators in a "life-threatening" position for any reason.

Thank you in advance for your assistance regarding this matter. If you have any questions, please contact me at (530) 257-5665 Monday through Friday from 7:30 a.m. until 5:00 p.m.

Sincerely,

Deborah L. Stampfli
Assistant General Manager/Office Administrator

cc: City of Susanville Police Department
1801 Main Street
Susanville, CA 96130

Sewer Service • Wastewater Treatment • Water Reclamation

CITY OF SUSANVILLE
EXHIBIT D



City of Susanville

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

May 10, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

Mr. & Mrs. Thomas,

This letter is in regards to the property located 1502 Cornell Street, Susanville. It has come to our attention that there are people occupying the home on the property. This occupancy is in violation of City of Susanville Building and Planning Division's "red tag" of the structure as uninhabitable. This dwelling was deemed uninhabitable on July 28, 2016 due to a lack of sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. The red tag prohibits the home from being occupied for any reason until the violation has been alleviated. This is a Violation of California Health & Safety Code Chapter 17920.3.

It has also been observed that recreational vehicles have been moved onto the property and are being occupied in a Violation of City of Susanville Municipal Code 15.16.020

At this time the property is considered a public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property.

You have ten (10) days to abate the above violations. If this nuisance is not addressed the City of Susanville may issue a citation in accordance to the City of Susanville Municipal Code 1.12.010. 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. This process may result in administrative fines and abatement costs that, if not paid would become a tax lien against the property.

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

The following are the codes referenced above:

§ 17920.3 Substandard building; conditions

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

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org

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 the health officer.
- (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 the health officer.

15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited.

It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)

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. 17-1011 § 3, 2017)

8.32.060 Notification of nuisance.

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 ten (10) days. (Ord. 17-1011 § 3, 2017)

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:

- 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 five hundred dollars (\$500.00) 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 one thousand dollars (\$1,000.00) 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.

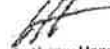
Wherever in this code or in any other ordinance of the city including codes adopted by reference, any act is specifically declared to be a misdemeanor, said misdemeanor violation shall be punishable by a fine not to exceed the sum of one thousand dollars (\$1,000.00), and/or imprisonment not to exceed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

Every day the violation of this code or any other city ordinance continues shall constitute a separate offense. (Ord. 17-1011 § 1, 2017)

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530)252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Sincerely,


Anthony Hanner
Building Official



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904

U.S. Postal Service
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

Postage	\$
Registration Fee	
Return Receipt Fee	
Registered Mail Fee	
Registered Mail Fee	
Postage & Fees	\$

*mailed
6/14/18*



7012 2920 0001 3923 9367

Thomas & Shannah Glenn
472-309 Johnstonville RD
Susanville CA 96130

7012 2920 0001 3923 9367

Thomas & Shannah Glenn	
472-309 Johnstonville RD	
Susanville CA 96130	



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



To All Residents of:
1502 CORNELL ST
Susanville CA 96130



City of Susanville

66 North Lassen Street • Susanville, CA 96130-3904



Thomas & Shannah Glenn
472-309 Johnstonville RD
Susanville CA 96130

CITY OF SUSANVILLE
EXHIBIT E



City of Susanville

66 N Lassen Street Susanville 96130
(530)252-5118

Date: 6.4.18

Time: 10 am

Name:

Permit No.: NA

Address: 1502 Cornell St

Contact Name:

Phone No.:

Inspection Type: Code Enforcement Violation

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
- ☐ Grading

Foundation

- ☐ Footings
- ☐ Slab
- ☐ Form & Walls
- ☐ Dry pack
- ☐ CMU Rebar
- ☐ Grout CMU

Framing

- ☐ Shear
- ☐ Framing
- ☐ Plumbing
- ☐ Electrical
- ☐ Heating/Duct
- ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing
- ☐ Electrical
- ☐ Mechanical
- ☐ Framing

Wall Covering

- ☐ Insulation
- ☐ Drywall
- ☐ Ceiling Grid
- ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1" Section
- ☐ Ice Dam
- ☐ Underlayment

Miscellaneous

- ☐ Electrical Service
- ☐ Ext. Gas Piping
- ☐ Gas Service
- ☐ Int. Gas Piping
- ☐ Shower Pan

Code Enforcement

- ☐ Site Inspection
- ☐ Red Tag
- ☐ Work without Permit

Final

- ☐ Building
- ☐ Plumbing
- ☐ Wood stove/Insert
- ☐ Mechanical
- ☐ Electrical
- ☐ Roof
- ☐ Water Heater
- ☐ Corrections

Approved _____

Correction Needed ☒

Final _____

Comments/Correction: Stopped by residence found the an occupant is still living on site. Trailer in question was moved to the back of the house. Occupant stated that he recived warning notice.

Building Official:

Anthony Banner

☒ 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: Additional comments, occupant stated he and the Owner did not care about the violation. We would have trouble if trailer was moved. See attached picture.

CITY OF SUSANVILLE
EXHIBIT F



City of Susanville

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

June 6, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

Administrative Citation

&

Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

Mr. & Mrs. Glenn,

You and the occupants are receiving this Administrative Citation in regards to the original notice mailed May 10, 2018 and received by Shanna Glenn on May 15, 2018 by certified mail.

In the original notice you and the occupants were made aware of the following violations located at 1502 Cornell Street, Susanville.

1. July 28, 2016 the home was "red tag" per California Health & Safety Code Chapter 17920.3. The residence lacked the running of hot and cold water and the sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. § 17920.3 Substandard building; conditions

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.

Kathie Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

- (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 the health officer.
- (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 the health officer.

2. City of Susanville Municipal Code 15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited. It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)
3. Public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property. 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. 17-1011 § 3, 2017)
4. 8.32.060 Notification of nuisance. 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 ten (10) days. (Ord. 17-1011 § 3, 2017)

In the original notice dated May 10, 2018, as stated you had not less than ten (10) days to abate the violations. The violation fees were also stated within this letter in accordance to the City of Susanville Municipal Code 1.12.010 and following the process of the City of Susanville Municipal Code 8.40.030.

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:

- 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 five hundred dollars (\$500.00) 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 one thousand dollars (\$1,000.00) 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. (Ord. 17-1011 § 1, 2017)

City of Susanville Municipal Code 8.40.030 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 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 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, 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, 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 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 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, entitlement, or review approved by the city.

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.

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.

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

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 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 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 of the property upon which the violation occurs.

F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may be issued pursuant to this section in lieu of any criminal citation which could have been issued for the same violation. The issuance of the administrative citation shall not, however, prevent the 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. (Ord. 17-1011 § 4, 2017)

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been corrected.

You are also advised that every day the violations are not corrected constitutes a new and separate offence and the City of Susanville may issue new citations with higher fines per the City of Susanville Municipal Code.

8.40.090 Payment of the fine.

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

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

C. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation. (Ord. 17-1011 § 4, 2017)

Per Susanville Municipal Code 8.40.100 you may request a Hearing. That hearing would be before the Planning Commission of the City of Susanville.

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 days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Per the City of Susanville Municipal Code 8.40.110 a hardship waiver may be offered.

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.

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

C. The requirement of depositing the full amount of the fine as described in Section 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.

D. The finance manager may, after consultation with and approval by the city administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and 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.

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

F. The finance manager shall issue a written determination listing the reasons for his 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. (Ord. 17-1011 § 4, 2017)

The above procedures follow the City of Susanville Municipal Code Chapter 8.32 through 8.40.

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been rectified. The following violations must be remedied:

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

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. (Ord. 17-1011 § 1, 2017)

Fine Amount Due as of the Date of This Letter

The fine amount due as of the date of this letter is **\$1,700.00**

Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

You are hereby prohibited from continuing or repeating the code violations cited in this letter.

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530) 252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Signed, 

Anthony Hanner
Building Official
City of Susanville



SUSANVILLE SANITARY DISTRICT

45 S. Roop St.
P.O. Box 162
Susanville, CA 96130
Office: (530) 257-5665
Fax: (530) 251-6328

May 2, 2018

City of Susanville
66 N. Lassen Street
Susanville, CA 96130

Re: 1502 Cornell Street, Susanville, CA -- APN: 105-262-02-11

To Whom It May Concern:

This letter is in regards to the above-named property and the "Red Tag". This property should be physically disconnected. Our Operators surveyed the property on Monday, April 30, 2018 to find the best way to do this. They discovered the property was occupied with people living in a trailer with dogs in the back hooked up to generators.

Our Operators felt threatened by the occupants so they did not pursue the disconnection. They would have to get on the property to camera the line or go through the neighbor's yard to find the best place to disconnect. I have not been able to contact the owner Tommy Glenn to get permission to go onto the property so our Operators could not pursue the physical disconnect.

It is in the best interest "safety wise" that our Operators not physically disconnect this property at this time. When the occupants are removed or we have permission from the owner, we will proceed with the physical disconnection. The District will not put our Operators in a "life-threatening" position for any reason.

Thank you in advance for your assistance regarding this matter. If you have any questions, please contact me at (530) 257-5665 Monday through Friday from 7:30 a.m. until 5:00 p.m.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah L. Stampfli".

Deborah L. Stampfli
Assistant General Manager/Office Administrator

cc: City of Susanville Police Department
1801 Main Street
Susanville, CA 96130

Sewer Service • Wastewater Treatment • Water Reclamation

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;

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
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
or agent of a party to any agreement covered by this chapter; the owner or authorized agent of
28

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
11 regulations adopted directly or by reference in this code;

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

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

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

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

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

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

22 2. A failing private sewage disposal system;

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

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

25 C. A condition of real property or a building, structure, improvement, or other thing on
26 real property that is unsightly and, by reason thereof, contributes to a diminution in the value of
27 surrounding properties when visible from a public right-of-way or alley, including but not limited
28 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 8.32.060, 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.

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.

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
tax rolls in the manner provided for by section 38773.5 of the government code or as a personal
debt against the responsible party.

4 8.32.220 Service for resolution of assessment costs

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

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

12 B. If the council resolution levying the assessment provides for collection of the
13 assessment by inclusion of the assessment on the county tax rolls, the director shall cause a
14 certified copy of the resolution to be served on the owner of the property by certified mail, if the
15 property owner's identity can be determined from the county assessor's or county recorder's
16 records. The notice shall be given at the time of imposing the assessment and shall specify that
17 the property may be sold after three years by the tax collector for unpaid delinquent assessments.
The tax collector's power of sale shall not be affected by the failure of the property owner to
receive notice. The assessment may be collected at the same time and in the same manner as
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
affidavit attached, to be recorded in the official records of the county of Lassen. After the date of
such recordation, the assessment provided for by such resolution 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.

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;
- 10 5. The economic impact of the penalty upon persons responsible for payment;
- 11 6. The impact of the public nuisance on the community; and/or
- 12 7. Such other factors as justice may require.

13 C. Penalties imposed by the hearing board may accrue from a date no earlier than
the compliance date specified in the nuisance abatement 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.

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

15 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.

16 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.

17 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
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.

20 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
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.

21 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.

22 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,
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
an infraction or a misdemeanor.

23 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
official or the building official.

8 B. "Responsible party" means any individual who is the owner or occupant of real
9 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
10 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
14 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
15 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
16 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
17 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
18 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
19 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
20 development agreement, owner participation agreement, disposition and development
agreement, road maintenance agreement, any easement, license, or other real property use
21 agreement, or any agreement made with the city to implement any ordinance, plan, permit,
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.

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

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

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

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

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

13 8.40.080 Correction of violation.

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

20 8.40.090 Payment of the fine.

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

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

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

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
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
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
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:

- 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:

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

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

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

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

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

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

26 E. Storage or scattering over any portion of the property of any of the following:

27 1. Debris, rubbish, rubble, construction debris, litter or trash which is not stored in trash
28 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
5 6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation
6 of Chapter 10.22 of this code;
7
8 7. Outdoor storage or scattering of materials, equipment or other items on residentially
9 used property which is not typically associated with such use, which is inconsistent with
10 the zoning classification of the property and which creates a fire hazard or health hazard
11 or which is otherwise injurious or potentially injurious to the public health, safety and
12 welfare;
13
14 8. Excessive accumulation of animal waste or the presence of any animal carcass.
15
16 F. Packing boxes or similar storage containers which are stored in yards or unenclosed
17 patios, porches, carports or storage units and which create a fire hazard or health hazard or which
18 are otherwise injurious or potentially injurious to the public health, safety and welfare;
19
20 G. Excessive accumulation of grease, oil or other residues on paved or unpaved surface
21 areas open to the public or when such material flows or seeps onto any public street, sidewalk or
22 public property;
23
24 H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors,
25 commercial trailers or coaches or any other commercial vehicle over 25 feet long, 8 feet high or
26 90 inches wide in a residential zone. Parking of vehicles less than 25 feet in length shall be on a
27 paved driveway if a paved driveway has been developed on the property or on an existing gravel
28 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.

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
7 15.09.030 - Vacant and neglected vacant building.

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

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

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

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

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

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

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

28 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.

1
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
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

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
falling within the definition of "dangerous structure" under is declared a public nuisance.

3 15.10.060 Determination of condition—Order of abatement.

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

17 15.10.070 Effect on existing law.

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

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

24 **Section 9.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any
25 reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
26 the validity or constitutionality of the remaining portions of this Ordinance, it being expressly
27 declared that this Ordinance and each section, subsection, clause and phrase hereof would have
28 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 Garner
NOES:	None
ABSENT:	None
ABSTAINING	None


Gwenna MacDonald/City Clerk

APPROVED AS TO FORM: 
Jessica Ryan, City Attorney



City of Susanville

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

June 6, 2018

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

Letter Regarding Permission to Enter Property to Inspect

Re: 1502 Cornell Street, Susanville
105-262-02

Dear Occupants;

The City of Susanville seeks permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street to inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws.

The City of Susanville seeks permission to inspect the property, house, out buildings and travel trailer located at 1502 Cornell Street within the next 24 hours of the delivery of this letter and at a time that is convenient to you.

You can grant the City of Susanville permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street. By granting the City of Susanville permission to enter the property, house, out buildings and travel trailer you are also granting permission for an agent to enter the property, house, out buildings and travel trailer to inspect on behalf of the City of Susanville.

If you fail to sign and return the attached form, the City of Susanville may seek a warrant from the Lassen County Superior Court. This warrant will grant the City of Susanville permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street and inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws.

You may be legally responsible for all fees and costs associated with lawfully gaining access to the property located at 1502 Cornell Street as any other fees and costs associated with bringing the property, house, out buildings and travel trailer into compliance with the City of Susanville Municipal Code and applicable California laws.

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

www.cityofsusanville.org



City of Susanville

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

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

Sincerely,

Name

Title of City Official Serving Document

City Officials Address and Phone Number

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

www.cityofsusanville.org



City of Susanville

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

PERMISSION TO ENTER PROPERTY

I, _____ (name of occupant) am the occupant for the property, house, out buildings and travel trailer located at 1502 Cornell Street, Susanville.

By signing below, I give the City of Susanville (or an agent on behalf of the City of Susanville) permission to enter the property, house, out buildings and travel trailer located at 1502 Cornell Street, to inspect for the existence of a public nuisance including but not limited to compliance with the City of Susanville Municipal Code and compliance with applicable California laws. The City of Susanville or an agent on behalf of the City of Susanville may enter the property and buildings on the following date and time:

Dated: _____

Signature of Occupant

Printed Name of Occupant

Signature witnessed by _____ on behalf of the City of Susanville. If the signature is witnessed on behalf of the City of Susanville then this form need not be notarized.

Dated: _____

Signature of Witness

Printed Name of Witness

Kathie F. Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian R. Wilson

www.cityofsusanville.org

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes with the objectives and goals to determine the effectiveness of the project and identify areas for improvement.

2272 2297 1000 0520 9702

City of Susanville
Code Enforcement
66 N Lassen Street
Susanville CA 96130

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ALL OCCUPANTS, ZIRK
157, CORNWELL ST

San Jose, CA 95130

Form 5800, April 2013 www.irs.gov/efile

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All Occupants, ETAL
1502 Cornell St
Susanville CA 96130

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:

Thomas & Shanna Glenn
472-309 Johnstonville Road
Susanville CA 96130



9590 9402 1930 6123 4788 08

2. Article Number (Transfer from service label)

7016 0750 0001 1672 2160

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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

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Article Number: 7016 0750 0001 1672 2160

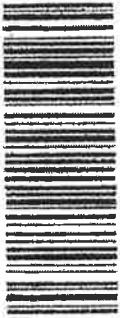
Postmark: 8/18/16

Signature: Thomas & Shanna Glenn

Address: 472-309 Johnstonville Road, Susanville CA 96130

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

CERTIFIED MAIL



7016 0750 0001 1672 2160

City of Susanville
Code Enforcement
66 N Lassen Street
Susanville CA 96130

Thomas & Shanna Glenn
472-309 Johnstonville Road
Susanville CA 96130

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9/15/17

City of Susanville
Code Enforcement
66 N Lassen Street
Susanville CA 96130

9/16/17

See Reverse for Instructions

CITY OF SUSANVILLE
EXHIBIT G



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 6.8.18

Time:

Name:

Permit No.:

Address: 1502 Cornell St

Contact Name:

Phone No.:

Inspection Type:

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
- ☐ Grading

Foundation

- ☐ Footings
- ☐ Slab
- ☐ Form & Walls
- ☐ Dry pack
- ☐ CMU Rebar
- ☐ Grout CMU

Framing

- ☐ Shear
- ☐ Framing
- ☐ Plumbing
- ☐ Electrical
- ☐ Heating/Duct
- ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing
- ☐ Electrical
- ☐ Mechanical
- ☐ Framing

Wall Covering

- ☐ Insulation
- ☐ Drywall
- ☐ Ceiling Grid
- ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1st Section
- ☐ Ice Dam
- ☐ Underlayment

Miscellaneous

- ☐ Electrical Service
- ☐ Ext. Gas Piping
- ☐ Gas Service
- ☐ Int. Gas Piping
- ☐ Shower Pan

Code Enforcement

- ☐ Site Inspection
- ☐ Red Tag
- ☐ Work without Permit

Final

- ☐ Building
- ☐ Plumbing
- ☐ Wood stove/Insert
- ☐ Mechanical
- ☐ Electrical
- ☐ Roof
- ☐ Water Heater
- ☐ Corrections

Approved _____

Correction Needed _____

Final _____

Comments/Correction: _____

Building Official:

Anthony Hansen

☐ 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: Dogs and personal items on site.

CITY OF SUSANVILLE
EXHIBIT H

Holly Young

From: Anthony Hanner
Sent: Friday, June 08, 2018 2:17 PM
To: Dan Newton
Cc: City Attorney: Holly Young
Subject: 1502 Cornell Street

Team

On June 6th at approximately 3:30 pm Thomas Glenn requested a meeting with the city regarding an administrative citation that he had been served. During said meeting myself, City Administrator Dan Newton and City Attorney Jessica Ryan meet with Mr. Glenn in the building division conference room. During said meeting it had been discussed with Mr. Glenn on how we can move forward without incurring any additional penalties. Mr. Glenn had stated that he had already notified the individual living at 1502 Cornell St that they would have to leave the property immediately. Mr. Glenn stated that it would take some time to get a trailer removed that was one of the violations listed and it was agreed upon that it could be removed within ten days.

At the conclusion of the meeting Mr. Glenn agreed to coming to city hall and apply for a hearing to address the administrative citation. It was agreed that once we had his request in writing we would grant a 10 day period to get his affairs in order. At the end of the ten day period an inspection request by Mr. Glenn would be made and that the city would verify that the violations from the administrative citation would be addressed.

As of June 8th, 2018 Mr. Glenn has not come down to the city to make his formal request. In addition on June 7, 2018 two individuals had been witnessed, by myself, within an hour, had left the back yard location of 1502 Cornell street. On June 8th it had been observed by myself that dogs were still in the back yard that appear to be owned by the individual said to have been removed from this location.

Anthony S. Hanner
Building Official
City Of Susanville
66 N. Lassen Street
Susanville CA, 96130
530.252.5116



CITY OF SUSANVILLE
EXHIBIT I



City of Susanville

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

June 12, 2018

Thomas & Shannah Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, Etal
1502 Cornell Street
Susanville CA 96130

RE: 1502 Cornell Street
APN 105-262-02

**Administrative Citation & Order Prohibiting Continuation or
Repeated Occurrences of the Code Violations**

Mr. & Mrs. Glenn,

You and the occupants are receiving this Administrative Citation in regards to the original notice mailed May 14, 2018 and received by Shanna Glenn on May 15, 2018 by certified mail.

In the original notice you and the occupants were made aware of the following violations located at 1502 Cornell Street, Susanville.

1. July 28, 2016 the home was "red tag" per California Health & Safety Code Chapter 17920.3. The residence lacked the running of hot and cold water and the sanitary sewer connection that resulted from non-payment of sewer service fees to the Susanville Sanitation District. § 17920.3 Substandard building; conditions
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.

Kathle Garnier
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Mendy Schuster
Kevin Stafford
Brian Wilson

www.cityofsusanville.org

- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by the health officer.
- (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 the health officer.

2. City of Susanville Municipal Code 15.16.020 Use of recreational vehicles for occupancy as living quarters prohibited. It is unlawful and a public nuisance for any person to establish, keep or maintain any recreational vehicle or tent trailer for occupancy as living quarters on any public road or private property other than in a legally established recreational vehicle park operated under permits from the state and the city. (Ord. 13-994 § 1, 2013)
3. Public nuisance and a Violation of the City of Susanville Municipal Code 8.32.040. You are being notified in accordance to 8.32.060 of the City of Susanville Municipal Code and this letter is the first step of the process to abate violations on the property. 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. 17-1011 § 3, 2017)
4. 8.32.060 Notification of nuisance. 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 ten (10) days. (Ord. 17-1011 § 3, 2017)

In the original notice dated May 10, 2018, as stated you had not less than ten (10) days to abate the violations. The violation fees were also stated within this letter in accordance to the City of Susanville Municipal Code 1.12.010 and following the process of the City of Susanville Municipal Code 8.40.030.

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:

- 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 five hundred dollars

(\$500.00) 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 one thousand dollars (\$1,000.00) 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. (Ord. 17-1011 § 1, 2017)

City of Susanville Municipal Code 8.40.030 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 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 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, 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, 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 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 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, entitlement, or review approved by the city.

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.

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.

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

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 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 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 of the property upon which the violation occurs.

F. Administrative Citations in Lieu of Criminal Citations. An administrative citation may be issued pursuant to this section in lieu of any criminal citation which could have been issued for the same violation. The issuance of the administrative citation shall not, however, prevent the 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. (Ord. 17-1011 § 4, 2017)

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been corrected.

You are also advised that every day the violations are not corrected constitutes a new and separate offence and the City of Susanville may issue new citations with higher fines per the City of Susanville Municipal Code.

8.40.090 Payment of the fine.

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

Per Susanville Municipal Code 8.40.100 you may request a Hearing. That hearing would be before the Planning Commission of the City of Susanville.

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 days prior to the date of the hearing. (Ord. 17-1011 § 4, 2017)

Per the City of Susanville Municipal Code 8.40.110 a hardship waiver may be offered.

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.

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

C. The requirement of depositing the full amount of the fine as described in Section 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.

D. The finance manager may, after consultation with and approval by the city administrator, waive the requirement of an advance deposit set forth in Section 8.40.100(A) and 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.

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

F. The finance manager shall issue a written determination listing the reasons for his 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. (Ord. 17-1011 § 4, 2017)

The above procedures follow the City of Susanville Municipal Code Chapter 8.32 through 8.40.

Per Susanville Municipal Code 8.40.030 (B), you are hereby notified that a daily citation of \$100.00 a day will be set forth as of May 21, 2018 and will continue every day the violation has not been rectified. The following violations must be remedied:

You are hereby directed to:

1. Remove all occupants from the home until the proper utilities are in working order and the structure has been inspected and approved by the City's Building Official for habitation; and
2. Clean up all demo construction debris, personal items, including removing the recreational vehicles

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. (Ord. 17-1011 § 1, 2017)

Fine Amount Due as of the Date of This Letter

The fine amount due as of the date of this letter is **\$2,300.00**

Order Prohibiting Continuation or Repeated Occurrences of the Code Violations

You are hereby prohibited from continuing or repeating the code violations cited in this letter.

If you have any questions in regards to this letter, please refer to our Building Official Anthony Hanner at (530) 252-5116. The City of Susanville Municipal Codes referenced above can be found at cityofsusanville.org under the CODE section.

Your cooperation regarding this urgent matter is appreciated.

Signed,


Anthony Hanner
Building Official
City of Susanville

PROOF OF SERVICE

I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where the mailing occurred; my business address is: 66 N. Lassen Street, Susanville, CA 96130

On June 12, 2018 (date), I served the foregoing document(s) described as:

Letter dated June 12, 2018 titled "Administrative Citation & Order Prohibiting Continuation or Repeated Occurrences of the Code Violation's" and copy of Ordinance No. 17-1011

To the following parties:

Thomas & Shanna Glenn
472-309 Johnstonville Road
Susanville CA 96130

All Occupants, ETAL
1502 Cornell St (1510 Cornell)
Susanville CA 96130

☒ (By U.S. Mail) I deposited such envelope in the mail at Susanville, CA (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 to be delivered by hand via messenger service to the address above;

☐ (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: June 12, 2018

Holly Young

Printed Name of Person Serving Documents


Signature of Person Serving Documents

CITY OF SUSANVILLE
EXHIBIT J

To: City of Susanville
 Building, Zoning, Code Enforcement Dept.
 From: Thomas & Shannah Glenn (owners) of property said
 Susanville, CA
 Regarding: Abatement/Code Violation @ 1502 Cornell St.
 Susanville, CA 96130

This letter is in response to City of Susanville, Building and Code Enforcement Dept. and City counsel latest accusations of Code Violations regarding the residence we own located at 1502 Cornell St.

In a rush to Abate our said property, the City of Susanville's Building/Code Enforcement, City Counsel and Susanville Police Departments have violated its own procedures to enforce Building and Code violations to carry out property Abatements, while violating our property rights and constitutional rights (U.S. & State) as property owners and U.S. citizens. These careless actions by City Staff are due in part by unqualified staff/personell, selective Enforcement practices, personal grudge and/or personal gain or conflict. City staff has chosen to take the short-cut, instead of the high road) and hit every double-standard, abuse-of-power-pot-hole to

to point "B." City staff
(cont.) - Used verbal and written threats, intimidation, (pg. 2)
and power trips to enforce false Code
Violations. The City's "cut-off road" violated
our right to due process, search & seizure laws,
discrimination and property rights to name a few.

We are in the process of taking
up City Counsel's advice and seeking a
qualified attorney to represent us in this
matter. Meanwhile here is examples of (attachments)
the City of Susanville's disregard to follow
the ordinances, laws and enforcement
procedures the City adopted, and instead
pick and choose, or just make up
the rules and laws as they see fit.

We will in the meantime, do
our best to address "actual" Code/Abatement
violations, such as keeping 1502 Cornell
St. clean and free of excess debris, boarding
up house to City code and requirements and
improve the condition overall (fences, landscape,
etc.) We will apply for any permits that
are required by City Bldg. Dept. (or
others) to perform improvements.

(NOTICE OF VIOLATION,

1. DATE OF SERVICE) May 14 sent, (postmarked) and recieved May 15. City staff claims May 10 (letter date) as service date. (Refer to Chapter 8.40.050) Postmark date is day of service.
2. City staff violated 10 day to abate law. Owner to be given "Not Less than 10 Days per violation". City staff began the abatement period May 11, four days before sending owner Notice of Violation (First Violation offense/claim)
3. Owner of property must be given reasonable time (but not LESS than 10 DAYS) to Abate even a minor violation. City Staff began fining owners May 21, six days after owner recieving Notice of Violations (May 15) City staff insisted on 10 DAY MAX. ABATEMENT. (16+ violations were cited)
4. NO DATES OR TIME FRAME FOR VIOLATIONS (Refer to Chap 8.40.060) OR ABATEMENT DEADLINE PERIOD/DATE (Chap 8.40.030) Section E.

(Chap. 8.40.030 & 8.40.060)

Building code violations fall under different enforcement.

5.] No violation description (E.G. - Guest bathroom, toilet broken and shower handle missing) No list of actions to correct violations. Reasonable time to correct each violation (NOT LESS THAN 10 DAYS) and a deadline date to correct violation(s) (E.G. - Violation date: May 10, Notice of Violation served: May 15, Expected Completion Date/Deadline - June 5) (Chap. 8.40.060)

6.] List of Bldg. Code Violations are in reference to Motel/Hotel suites and rooms and not to residential (single family resident) (In May 10 letter) How could City staff have listed violations that have not been inspected yet?

Without entering the residence at 1502 Cornell St. to know there is a violation?? Owners never gave permission to ANY CITY Staff or given a "request to inspect" by City Staff or law enforcement, etc. before May 10, 2018 (Request letter June, 6 was sent by City Staff, to enter residence to inspect within 24 hours or a search warrant will be issued if no response by Owners)

Also, each violation must have a copy of the ordinance attached, (Chapter, section ref. and exceptions) (CONT. ~~att.~~ (3))

(cont.)- May 10, 2018, Cited me for Code violations Chapter 17920.3-(a) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,, but recieved not one copy of this chapter or violations descriptions, how to fix it, time to fix, deadline to fix it, exceptions, etc. (because the most of 17920.3 is in reference to hotel, motel, suites, etc., Not single family residences

- 7) City Staff, (Anthony Hanner) stood on his vehicle tail-gate and randomly took video and/or pictures of fenced back yard without any notification first (Early to mid-April, 2018) to owners or others.
- 8) City Police officer(s) was ordered by City Bldg/Zoning and City attorney to enter residence without notice, permission of owners, or No search warrant (End of April, First of May?) to do a "building inspection." The officer @ SPD admitted to me he did enter the building/residence for City Zoning/Bldg request. Remember this is 10-15 days before the May 10 (actually May 15) first notice of violation was sent. ~~sent after~~ →

cont. → Both (7) and (8) are violations of
Right to Search & Seizure under the
U.S. Constitution. (Ref. to 832-090 & 832050H
& 832100)

9) Violation for trailer (RV) on premises. Clearly
states no RVs in "front yard" (8-52-030 C)
and storage in Back yard is preferred.

10) (Refer to Chap. 1509 030 B, 3, 4)

(Ref to - 15 - 09 - 07 A, B
- 15 - 09 - 8 A, B, C, etc.

11)

I can go on and on and on
of the abuse of power and ignorance
of the law and unskilled staff to
pick on and intimidate the public and
violate innocent citizens Constitutional Rights,
Civil Rights, Property Rights, etc.

12) Oh, one more item City attorney & City Police
both said "I" and "Jimmy" (security/occupy of
1502 Cornell) were not included in CA sanctuary
law because ~~the~~ "don't have" brown skin...?

attach 5

1502

Correll

cont- ... and not from Mexico?? "We" ("Jimmy and
I") "Don't meet the 'Criteria of Sanctuary
because we are white and not brown
skin and not from Mexico" - Susanville
Attorney and Susanville Police officer, June 21, 2018
Quotes from our meeting.

CITY OF SUSANVILLE
RECEIVED
JUN 27 2018
BUILDING & PLANNING

CITY OF SUSANVILLE
EXHIBIT K



City of Susanville

66 N Lassen Street Susanville 96130
(530)252-5118

Date: 9.4.18

Time:

Name: Glenn, T

Permit No.: CE

Address: 1502 Cornell

Contact Name:

Phone No.:

Inspection Type: Insulation and construction all over

Code Enforcement: ☒ Red Tag: ☐ Stop Work-Work W/out Permit: ☐ Site Inspection Meeting: ☐

Setbacks and Excavation

- ☐ Setbacks
☐ Grading

Foundation

- ☐ Footings ☐ Dry pack
☐ Slab ☐ CMU Rebar
☐ Form & Walls ☐ Grout CMU

Framing

- ☐ Shear ☐ Electrical
☐ Framing ☐ Heating/Duct
☐ Plumbing ☐ Fire Sprinklers

Ground Work/Under Floor

- ☐ Plumbing ☐ Mechanical
☐ Electrical ☐ Framing

Wall Covering

- ☐ Insulation ☐ Ceiling Grid
☐ Drywall ☐ Stucco Lath/Scratch Coat

Roof

- ☐ Sheathing 1st Section ☐ Underlayment
☐ Ice Dam

Miscellaneous

- ☐ Electrical Service ☐ Int. Gas Piping
☐ Ext. Gas Piping ☐ Shower Pan
☐ Gas Service

Code Enforcement

- ☐ Site Inspection ☐ Work without Permit
☐ Red Tag

Final

- ☐ Building ☐ Electrical
☐ Plumbing ☐ Roof
☐ Wood stove/Insert ☐ Water Heater
☐ Mechanical ☐ Corrections

Approved _____ Correction Needed _____ Final _____

Comments/Correction: Construction demo trash out in front of the house.

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
EXHIBIT L



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 9.4.18

Time:

Name: Glenn, T

Permit No.: CE

Address: 1502 Cornell

Contact Name:

Phone No.:

Inspection Type: Insulation and construction all over

Code Enforcement: ☒

Red Tag: ☐

Stop Work-Work W/out Permit: ☐

Site Inspection Meeting: ☐

Setbacks and Excavation

☐ Setbacks

☐ Grading

Foundation

☐ Footings

☐ Slab

☐ Form & Walls

☐ Dry pack

☐ CMU Rebar

☐ Grout CMU

Framing

☐ Shear

☐ Framing

☐ Plumbing

☐ Electrical

☐ Heating/Duct

☐ Fire Sprinklers

Ground Work/Under Floor

☐ Plumbing

☐ Electrical

☐ Mechanical

☐ Framing

Wall Covering

☐ Insulation

☐ Drywall

☐ Ceiling Grid

☐ Stucco Lath/Scratch Coat

Roof

☐ Sheathing 1st Section

☐ Ice Dam

☐ Underlayment

Miscellaneous

☐ Electrical Service

☐ Ext. Gas Piping

☐ Gas Service

☐ Int. Gas Piping

☐ Shower Pan

Code Enforcement

☐ Site Inspection

☐ Red Tag

☐ Work without Permit

Final

☐ Building

☐ Plumbing

☐ Wood stove/Insert

☐ Mechanical

☐ Electrical

☐ Roof

☐ Water Heater

☐ Corrections

Approved _____

Correction Needed _____

Final _____

Comments/Correction: Construction demo trash out in front of the house.

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
EXHIBIT M



City of Susanville

66 N Lassen Street Susanville 96130

(530)252-5118

Date: 10/24/18

Time: 4 p.m.

Name: Glenn

Permit No.:

Address: 1502 Cornell St.

Contact Name:

Phone No.:

Inspection Type: Site inspection

Code Enforcement: ☒

Red Tag: ☐

Stop Work-Work W/out Permit: ☐

Site Inspection Meeting: ☐

Setbacks and Excavation

☐ Setbacks

☐ Grading

Foundation

☐ Footings

☐ Dry pack

☐ Slab

☐ CMU Rebar

☐ Form & Walls

☐ Grout CMU

Framing

☐ Shear

☐ Electrical

☐ Framing

☐ Heating/Duct

☐ Plumbing

☐ Fire Sprinklers

Ground Work/Under Floor

☐ Plumbing

☐ Mechanical

☐ Electrical

☐ Framing

Wall Covering

☐ Insulation

☐ Ceiling Grid

☐ Drywall

☐ Stucco Lath/Scratch Coat

Roof

☐ Sheathing 1st Section

☐ Underlayment

☐ Ice Dam

Miscellaneous

☐ Electrical Service

☐ Int. Gas Piping

☐ Ext. Gas Piping

☐ Shower Pan

☐ Gas Service

Code Enforcement

☐ Site Inspection

☐ Work without Permit

☐ Red Tag

Final

☐ Building

☐ Electrical

☐ Plumbing

☐ Roof

☐ Wood stove/Insert

☐ Water Heater

☐ Mechanical

☐ Corrections

Approved _____

Correction Needed X _____

Final _____

Comments/Correction: Demo work conducted on exterior of the house without permit.

Suspected unregistered trailer on site.

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

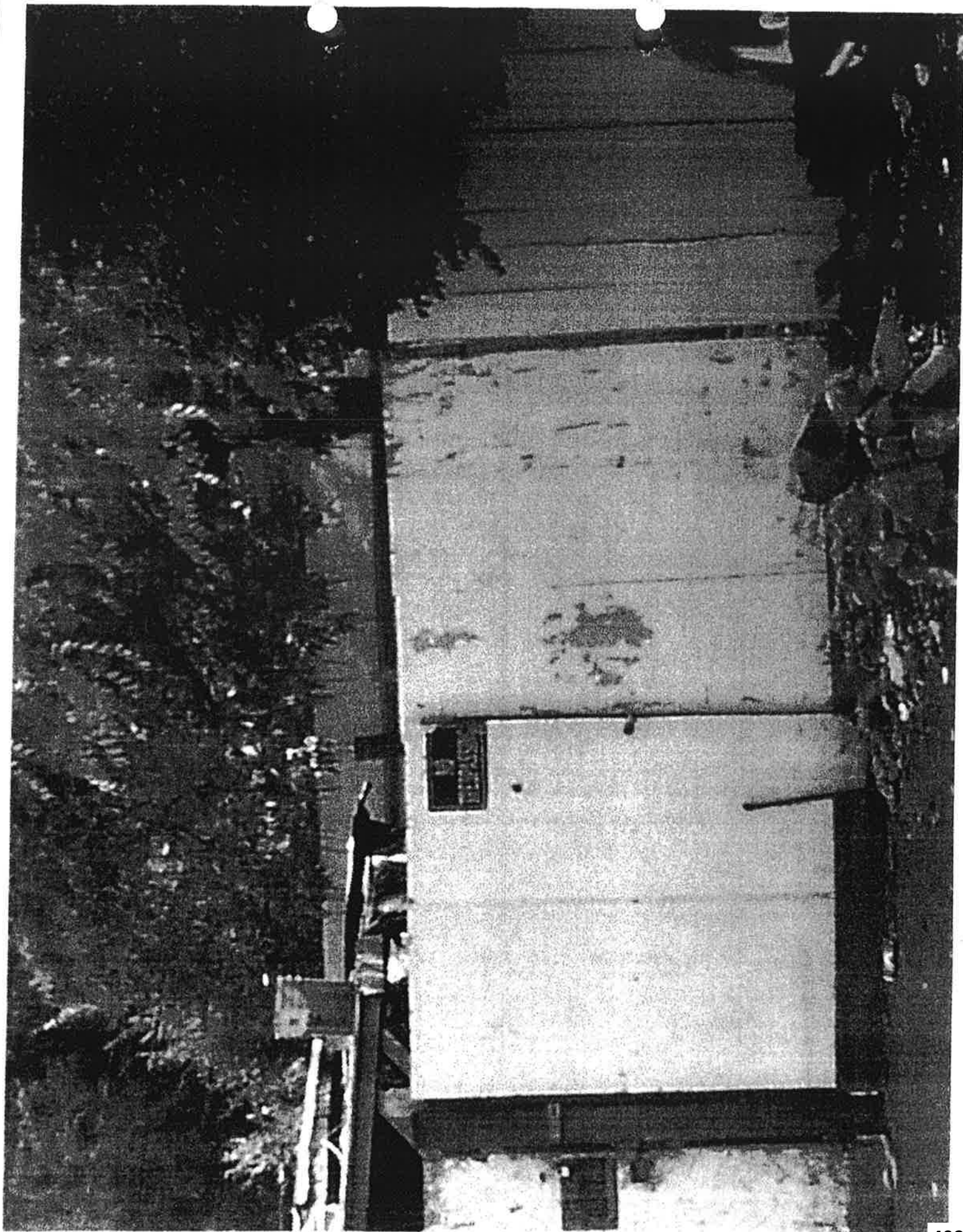
Citation Fee: ☐ \$100 First Offense ☐ \$200 Second Offense ☐ \$500

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
EXHIBIT N

Lassen County Sheriff's Office

Event Search Report

1/ 1/2016 TO 11/ 2/2018

Agency: SPD Location Contains: 1502 CORNELL, 1505 CORNELL, 1510 CORNELL

Agency Incident - Sup	C.R. Number	Report Date/Time	HR	Title	Disp	Nature	Offense	Officer Location
SPD 160406025		04/06/2016	22:55	91	IR CO	415V	415 PC	5044 1502 CORNELL
SPD 160413019		04/13/2016	22:10	P	IR CO	SUSC	SUS	8200 1502 CORNELL
SPD 160722030		07/22/2016	20:51	P	IR CO	498	498(B) PC	1347 1502 CORNELL
SPD 160812023		08/12/2016	21:53	P	IR CO	INF	INF	9707 1502 CORNELL
SPD 160819001		08/19/2016	00:23	O	IR CO	602	602 PC	2493 1502 CORNELL
SPD 170315017		03/15/2017	15:52	P	IR CO	SUSC	SUS	2493 1510 CORNELL
SPD 180221009		02/21/2018	14:59	P	IR CO	602	602 PC	1347 1502 CORNELL
SPD 180223014		02/23/2018	16:51	P	IR CO	602	602 PC	0767 1502 CORNELL
SPD 180328004		03/28/2018	07:52	P	IR CO	SUSC	SUS	1446 1502 CORNELL
SPD 180330009		03/30/2018	14:58	P	IR CO	OFF	OFF	1446 1502 CORNELL
SPD 180422028		04/22/2018	22:20	P	IR CO	415L	415 PC	3968 1510 CORNELL
SPD 180516003		05/16/2018	08:03	911	IR CO	SHOTS	SHO	3968 1502 CORNELL
SPD 180518007		05/18/2018	10:36	P	IR CO	SUSC	SUS	3968 1502 CORNELL
SPD 180521012		05/21/2018	10:33	C	IR CO	OFF	OFF	0767 1502 CORNELL
SPD 180523002		05/23/2018	07:48	P	IR CO	SUSC	SUS	1446 1510 CORNELL
SPD 180604020		06/04/2018	19:40	P	IR CC	ANX	ANX	9745 1502 CORNELL
SPD 180619009		06/19/2018	13:24	P	IR CO	415V	415 PC	1446 1510 CORNELL
SPD 180830013		08/30/2018	16:09	O	IR CO	WAR	WAR	0372 1510 CORNELL
SPD 181002012		10/02/2018	13:47	P	IR CO	415V	415 PC	1446 1502 CORNELL
SPD 181025003		10/25/2018	11:23	P	IR CO	OFF	OFF	5740 1505 CORNELL
SPD 181027011		10/27/2018	18:25	P	IR CO	415V	415 PC	2493 1502 CORNELL
SPD 181029012		10/29/2018	16:37	P	IR CO	415V	415 PC	0767 1502 CORNELL

Lassen County Sheriff's Office

Event Search Report

1/ 1/2016 TO 11/ 2/2018

Agency: SPD Location Contains: 1502 CORNELL, 1505 CORNELL, 1510 CORNELL

Agency Incident - Sup	C.R. Number	Report Date/Time	HR TitleDisp	Nature	Offense	Officer Location
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22 EVENTS FOUND

EXHIBIT 'M'

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 Thomas and Shannah Glenn

14 Respondent

Nuisance Abatement Order

Hearing: May 24, 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 24, 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 Jambois 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 Thomas and
24 Shannah Glenn by Certified Mail on April 13, 2022, and posted on the structure at
25 1502 Cornell 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 2. Thomas and Shannah Glenn are the owner of and responsible party for the property
8 located at 1502 Cornell Street.
- 9 3. Thomas and Shannah Glenn were properly served with a Notice of Violation on February
10 18, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
- 11 4. Thomas and Shannah Glenn were properly served with a Notice of Intention to Abate
12 Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was
13 properly posted at 1502 Cornell Street on April 14, 2022, pursuant to City of Susanville
14 Municipal Code section 8.32.090.
- 15 5. The condition of the property and certain outbuildings located at 1502 Cornell Street is a
16 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. Thomas and Shannah Glenn must abate the public nuisance at 1502 Cornell Street by
20 doing the following at 1502 Cornell Street:
- 21 a. A demolition permit for the main structure located upon 1502 Cornell Street has
22 been issued. The demolition of the main structure shall commence within thirty
23 (30) days of the issuance of this order.
- 24 b. The completion of the demolition of the main structure shall be completed within
25 forty-five (45) days of the issuance of this order.
- 26 c. The haul-away and disposal of all demolition rubbish and refuse shall be
27 completed within the prescribed demolition timeline.
- 28

- 1 d. Shall comply with the annual Weed and Rubbish Abatement deadline of 11:59 p.m.
2 on June 27, 2022. All weeds and rubbish must be removed from the property prior
3 to this deadline.
- 4 2. Thomas and Shannah Glenn must fully abate this public nuisance no later than forty-five
5 (45) days from the issuance of this order.
- 6 3. Thomas and Shannah Glenn must obtain any and all required permits that may be
7 required to abate the public nuisance at 1502 Cornell Street.
- 8 4. After Thomas and Shannah Glenn abates the nuisance at 1502 Cornell Street, Thomas and
9 Shannah Glenn must contact the Building and Planning Department at the City of
10 Susanville and request that an official at the City of Susanville inspect the condition of the
11 property and buildings at 1502 Cornell Street to determine if the public nuisance was
12 abated.
- 13 5. If Thomas and Shannah Glenn do not abate the public nuisance at 1502 Cornell Street by
14 11:59 pm on July 11, 2022, the City of Susanville may have the property at 1502 Cornell
15 Street abated.
- 16 6. If Thomas and Shannah Glenn do not abate the public nuisance at 1502 Cornell Street by
17 11:59 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the
18 City of Susanville Municipal Code shall be assessed as followed:
- 19 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
20 with.
- 21 b. Effective from February 18, 2022
- 22 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
23 costs and interest.
- 24 d. Assessment Penalty shall be due by 4:30 pm on September 1, 2022.
- 25 7. All costs of the City's abatement efforts, including the abatement work and administrative
26 time to investigate and to hear and effect the abatement shall be charged against Thomas
27 and Shannah Glenn as a personal debt or may be assessed upon 1502 Cornell Street and
28 will constitute a lien or special assessment upon the property until paid.

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

14
15 Dated: _____

16 _____
17 Wayne Jambois, Chairperson
18 Susanville Planning Commission
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RESOLUTION NO. 22-1106
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION
APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 1502
CORNELL 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 No. 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, conditions upon the property located at 1502 Cornell Street constitutes a public nuisance pursuant to Ordinance No. 17-1011.

WHEREAS, the City of Susanville adopted Chapter 8.32 of the Susanville Municipal Code to administer the abatement of public nuisances within the City of Susanville.

WHEREAS, the Susanville Planning Commission, at a public meeting held during its regular meeting of May 24, 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 1502 Cornell Street is in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Thomas and Shannah Glenn are the owners of record for the property located at 1502 Cornell Street.
- C. The City of Susanville find that a public nuisance exists upon the land and find the property owner and any person with interest in the property to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 1502 Cornell Street subject to the terms, agreements, and conditions as follows:

- 1. A demolition permit has been issued for the demolition of the substandard structure located upon the property. Demolition of the building shall commence within thirty (30) days of the issuance of this order.
- 2. Completion of all demolition activities shall be completed within forty-five (45) days of the issuance of this order. This includes the haul-away and disposal of all demolition debris and refuse.
- 3. Shall ensure that all weeds and rubbish is removed from the grounds of the property in accordance with the date of the annual Weed and Rubbish Abatement period which corresponds to 11:59 p.m. on June 27, 2022.

4. Failure to comply with the provisions of any Nuisance Abatement Order shall cause the assessment of a civil penalty in the amount of \$100 per day to be assessed beginning from the date of the Notice of Violation issued on February 18, 2022.
5. Any assessed penalties shall be paid by 4:30 p.m. on September 1, 2022.
6. All public nuisances upon the property of 1502 Cornell Street shall be corrected.
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. 22-1106 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 24th day of May 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
May 24, 2022

FILE NUMBER	CE#2022-020		
OWNER	Thomas & Shannah Glenn		
REQUEST	Issuance of a Nuisance Abatement Order		
ASSESSOR'S PARCEL NO.	105-262-002-000		
LOCATION	1502 Cornell Street		
EXISTING ZONING	R-1 Single Family Residential		
SURROUNDING ZONING AND LAND USE	ZONING		LAND USE
	North	R-1	Residential
	South	R-1	Residential
	East	R-1	Residential
	West	R-1	Residential
GENERAL PLAN DESIGNATION	Residential		

BACKGROUND:

The property located at 1502 Cornell Street has been subject to a previous nuisance abatement proceeding in which the City of Susanville sought and received an Inspection Warrant on two separate occasions in 2018. The public nuisance that exists as of the result of the condition of the property has not fully been addressed and continues to exist to this date. The main area of concern is the unsecured nature of the main structure. The building has been deemed a substandard and dangerous building and there is a valid "Do Not Occupy" order. This order is consistently violated by those seeking shelter from the elements. There is a threat that the structure may catch fire due to those seeking shelter which could result in damages to the property and surrounding properties.

The condition of the real property at 1502 Cornell Street is below the minimum standards as defined in the Susanville Municipal Code and the substandard nature of the building furthers this public nuisance. The issuance of a Nuisance Abatement Order serves as the continued efforts of the City of Susanville to correct all nuisances upon this property to ensure the public health, safety, and welfare is preserved.

ANALYSIS:

Susanville Municipal Code Chapter 15.09 provides direction into the management of Neglected Vacant Buildings and establishes the minimum property maintenance standards.

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)(4) SMC: Neglected vacant buildings as defined and regulated in Chapter 15.09 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)(6) SMC: The scattering and littering of household debris, effect, trash and rubbish inside of a vacant building that could be injurious to public safety, welfare or health or may pose a fire hazard.
- 8.52.030 (D) SMC: Attractive Nuisances, condition of real property or objects that may attract the curiosity of children or other interested parties.
- 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.

AGENDA ITEM NO. 4.E
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 24, 2022

SUBJECT: Consider **Resolution No. 22-1107**, approving the issuance of a Nuisance Abatement Order for 2440 Main Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: On or about August 2021, Code Enforcement staff received reports of an unsecured commercial building with known transient occupation. The commercial structure is a two-story building that fronts Main Street near the intersection of Main Street and South Mesa Street. The structure has been breached in both the front and rear of the property. The building has been declared a substandard building pursuant to California Health and Safety Code 17920.3. The Susanville Municipal Code also declares all substandard buildings to be public nuisances. Chapter 8.32 provides the framework for the City of Susanville to address declared public nuisance and the issue of abatement.

The initial intent was to bring the property owner in front of the Susanville Planning Commission along with another nuisance property. Code Enforcement staff was provided a request for an extension from the property owner's legal counsel. The City of Susanville has considered the request and is moving to continue this matter at a later date. Staff is recommending to the Planning Commission to hear this matter and consider public comment, then continue the matter to the Regular Meeting of the Susanville Planning Commission for Tuesday July 12, 2022.

FISCAL IMPACT: None at this time

ACTION REQUESTED: Motion to continue discussion of **Resolution No. 22-1107**, at the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

ATTACHMENTS:

AGENDA ITEM NO. 4.F
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: May 24, 2022

SUBJECT: Consider **Resolution No. 22-1108**, approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: May 2022 marks the 19th anniversary of the closure of the Lassen Community Hospital and subsequent opening of Banner Lassen Medical Center. Today, the former site of the Lassen Community Hospital has become a major source of blight for the community. All buildings contained within the property have suffered significant damage caused by vandalism and from those seeking scrap metal. Overall, the site contains many hazards from the vandalism and from the years of neglect. A structure fire that occurred in December 2020 destroyed the building that in the latter years of the history of the property was known as the "Annex Building." A demolition permit was secured to demolish this building, but the work has not been completed and the burned skeleton remains visible to the public. The current status of the property is well below the minimum standards established through the Property Maintenance Ordinance (Ordinance No. 17-1011). Every building upon the premises is a substandard or dangerous building pursuant to the California Health and Safety Code and Susanville Municipal Code. The existence of substandard and dangerous buildings are public nuisances and subject to the nuisance abatement procedures as outlined in Chapter 8.32 of the Susanville Municipal Code.

The City of Susanville is moving to issue a Nuisance Abatement Order to compel the property owner to rectify all public nuisances upon the property and to abate each nuisance. Code Enforcement plans to accomplish this with the issuance of abate, repair, and/or demolish orders. Chapter 8.32 provides the framework for the abatement of public nuisances that exist within the City of Susanville. Furthermore, Chapter 15.09 and 15.10 provide additional directions for the handling of substandard and dangerous properties.

The City of Susanville intended for this matter to be heard in its entirety at this Regular Meeting of the Susanville Planning

Commission, but a request for an extension was requested by the property owner's legal counsel. The City of Susanville intends to allow for initial discussion and for any public comment before making a motion to continue this matter to the Regular Meeting of the Susanville Planning Commission on July 12, 2022.

FISCAL IMPACT:

None at this time.

ACTION REQUESTED:

Motion to continue discussion of **Resolution No. 22-1108** to the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

ATTACHMENTS: