CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
Wayne Jambois, Chair
Melanie Westbrook, Vice Chair
Tony Ardito • Rod DeBoer • James Merchant

Susanville Planning Commission

Regular Planning Commission Meeting • City Council Chambers 66 N. Lassen Street, Susanville, CA 96130

Tuesday, July 12, 2022 – 5:30 PM

CALL TO ORDER
Introduction of appointed Planning Commissioners: Westbrook, Merchant and Ardito.
Introduction of Alternates Heath and Bortle.
ROLL CALL

1. APPROVAL OF AGENDA:

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A Receive and file minutes of the April 26, 2022, meeting

3.B Receive and file minutes of the May 24, 2022, meeting.

4. PUBLIC HEARINGS:

4.A Continue discussion from May 24, 2022 to consider Resolution No. 22-1107 approving the issuance of a Nuisance Abatement Order for 2440 Main Street

4.B Continue discussion from May 24, 2022 to consider Resolution No. 22-1108 approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane

4.C Consider Resolution No. 22-1113 approving the issuance of a Nuisance Abatement Order for 1705 Main Street

5. NEW BUSINESS:

5.A Consider appointment of Chair and Vice Chair

6. CORRESPONDENCE: NONE

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.

AGENDA ITEM NO. 3.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	July 12, 2022
SUBJECT:	Receive and file minutes of the April 26, 2022, meeting
PRESENTED BY:	Ruth McElrath
SUMMARY:	Staff is presenting minutes from the April 26, 2022, meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes of the April 26, 2022, meeting

ATTACHMENTS:
P.C. 4.26.22 min..pdf

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, APRIL 26, 2022 – 6:30 PM

CALL TO ORDER: Chair Jambois calls meeting to order at 6:30 p.m.

ROLL CALL: Wayne Jambois, Linda Robinette, and Jeremiah Sturgeon. Absent: Commissioner DeBoer and Vice Chair Westbrook

Staff Present: City Planner Kelly Mumper, Code Enforcement Officer Cody Loflin and Building Permit Technician Ruth McElrath.

1. **APPROVAL OF AGENDA:** Motion by Commissioner Sturgeon, second by Commissioner Robinette to approve the agenda as submitted.
   Motion carried: 3-0
   Voting For: Sturgeon, Robinette and Jambois
   Voting Against: None
   Absent: DeBoer and Westbrook

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A Receive and file minutes of the April 12, 2022, minutes Receive and file minutes of the April 12, 2022, minutes

P.C. 4.12.22 minutes .pdf

Motion by Commissioner Robinette, second by Commissioner Sturgeon to approve the April 12, 2022, minutes.

Motion Carried: 3- 0
Voting For: Robinette, Sturgeon, and Jambois.
Voting Against: None
Absent: DeBoer and Westbrook

4. PUBLIC HEARINGS:

4.A Consider **Resolution 22-1094** approving the Issuance of an Abatement Order for 63 South Weatherlow Street

Public hearing opened at 6:35 p.m.

Mr. Loflin explained the issue was regarding 63 S. Weatherlow St., Code Enforcement Case CE 2020-003, owners Ricardo and Susan Pellicer. He said Susan has since changed her name and would be referred to as Susan Morrison throughout the proceedings.

A March 14, 2019, fire damaged the building, which resulted in it being declared a dangerous building and subsequently a public nuisance pursuant to the Susanville Municipal Code. The action requested is to approve Resolution 22-1094.

Mr. Loflin provided a timeline of letters notifying the owners about the existence of a public nuisance have been sent with the first being mailed on March 21, 2014. He added the City Building Official has determined the building is irreparable and demolition must commence no later than 30 days of the approved order, and demolition shall be completed no later than 60 days from the date of this order. A demolition permit must be obtained through the City of Susanville Building Department. Failure to commence demolition or complete demolition within the provided timeframe will result in the property owner being assessed a daily civil penalty of $100 per day and shall be assessed from the date of the issuance of Notice of Violation on Feb. 27, 2022. The penalties will cease once there is compliance.

Commissioner Robinette noted date the first Notice of Nuisance was mailed was five years prior to when the fire occurred, and this has been going on for eight years.

Chair Jambois asked if any representatives were present for the Pellicer family.

Mr. Loflin responded Joseph Hale called in via Zoom and he would like to speak regarding the matter.

Roland Zimmerman, who owns the neighboring property, spoke in favor of the abatement. He explained the March fire was not the first incident. The second fire spread to his building, and now his insurance has been cancelled. He had been complaining about the property and called the police because homeless people were there. He has taken a total loss and a loss of income.

Mr. Hale offered background information explaining his mother is disabled, elderly, and does not have the funds to abate the property. He asked if the City had an interest accepting a donation of his mother's portion of the property, he would ask Mr. Pellicer if he would want to donate his portion as well.

William Tezak spoke in opposition of the abatement.

Public hearing closed at 6:55 p.m.

Commissioner Sturgeon asked if the City gets to a point where it can take over the property.

Ms. Walsh responded there is a one-year statute of limitations and other options can be discussed.

Commissioner Robinette said she walked the properties on the list, there is a fence that has been pushed down, and there is a drop. In addition, there are piles of trash and people are living there. The property also abuts the high school, which can encourage bad decisions. In conclusion she said the problem has been there since 2019 and it is continuing. She asked what the next steps would be after the hearing.

Ms. Walsh responded a written order would be provided in writing to the respondent, the one-year statute of limitations begins and the City could proceed on abating, selling, foreclosing and recouping those costs.

Staff Report 63 S Weatherlow St Abatement.pdf
Resolution 22-1094.pdf

Moved by Commissioner Robinette, seconded by Commissioner Sturgeon to approve Resolution 22-1094.
Motion Carried: 3- 0
Voting For: Robinette, Sturgeon, and Jambois.
Voting Against: None
Absent: DeBoer and Westbrook

4.B Consider **Resolution 22-1095** approving the issuance of an Abatement Order for 67 South Weatherlow Street.

Public hearing opened at 7:02 p.m.

Mr. Loflin explained the case regarding 67 S. Weatherlow St., Code Enforcement Case 2020-002, owners Roland and Joanna Zimmerman. The structure suffered damage related to a structure fire on May 24, 2020. It was declared a dangerous building and subsequently a public nuisance. Susanville Municipal Code Chapter 8.32 offers framework to address public nuisances on properties within the City. Staff is following the procedures and seeking a nuisance abatement order to tell property owners to abate their property of declared nuisances.

Mr. Loflin presented exhibits A through J. Exhibit I contained various photographs of the state of the property. He said there has been some compliance with the property owners cleaning up their property and they installed a 6-foot solid fence to prevent illegal trespassing on the property. The fence is already showing signs of damage caused by people or animal presence. In addition, the fire damaged a tree, and it is considered dangerous due to its size and damage received.

In conclusion, Mr. Loflin said the recommendation is to approve the nuisance abatement order directing property owners to abate all nuisances within date specified by the Planning Commission.

In the opinion of the City of Susanville Building Official the condition of the building is irreparable, and demolition must commence no later than 30 days of the approved order. Demolition must be complete within 60 days of the order and a permit obtained through the City of Susanville prior to the commencement of demolition. Failure to comply within 30 days, the property owner will be fined a daily civil penalty of $100, which will be assessed from the issuance of notice of violation on Feb. 7, 2022. Daily accruals will cease once compliance is met.

Mr. Zimmerman told the Commission he never received any notifications Mr. Loflin referred to in his report, except for the letter received on April 1, 2022. He continued that he hasn't been at the Oregon address for 15 years, and it is just a shop where they store trucks, and he does not receive any mail there.

Two months ago, he inquired getting a demolition permit, but was told because it was a commercial building, a contractor licensed for demolition had to do the work. The property has been a residence for more than 30 years. Mr. Zimmerman stated he would like to demolish the building, and he has the equipment to do so.

In conclusion, Mr. Zimmerman stated COVID cut his income in half. If he can get a permit, he will demolish the building and he's not against it.

Chair Jambois asked Mr. Zimmerman if he received any notices.

Mr. Zimmerman responded the April 1, 2022, notices, sent to both he and his wife, were the first ones he received.

Mr. Loflin clarified all staff requests is an asbestos report and if there is no presence of asbestos, a demolition permit can be issued for Mr. Zimmerman to do the demo himself.

Chair Jambois asked staff who signed the certified letters.

Mr. Loflin responded the Dec. 2020 letter was rejected due to COVID-19, the letters sent to Cave Junction, OR were due diligence on his part to make notification and using as many addresses as possible he could find to notify the property owners of these proceedings.

Mr. Mumper added staff uses the County record as the most current address.

Mr. Tezak asked if he could cross examine Mr. Loflin.

Ms. Walsh responded it is not a formal judicial proceeding, it is an informal administrative hearing and the formal rules of evidence do not apply.

Mr. Tezak said Mr. Loflin's photos did not have a time date stamp, or where the pictures came from. Citing a public nuisance is subjective, and there are no objective criteria before the Planning Commission.

Public hearing closed at 7:28 p.m.

Commissioner Sturgeon clarified if the owner gets the asbestos report and it comes back negative, he could demo the building himself.

Ms. Walsh confirmed that was correct.

Mr. Mumper suggested if the Commission went that route, they should attach a timeframe.

Commissioner Robinette said the issue has been going on since June 1, 2020, and it is now April 2022. She asked Mr. Zimmerman how long it would take to get an asbestos report.

Mr. Zimmerman said he has been talking to a company in Reno, who had requested additional information.

Mr. Mumper explained that based on other code cases, it is not unreasonable to obtain an asbestos contract within 30 days.

Commissioner Robinette said all the commission wants is for the properties to be dealt with and she doesn't want the City to be a hindrance in dealing with these and if we can be an active partner with cleaning up these properties it is best for everybody concerned.

The Commission discussed timeline options for the owner time to obtain an asbestos report and decided to table the item to the May 24, 2022, meeting.

Staff Report 67 S Weatherlow St Abatement.pdf
Resolution 22-1095.pdf

Moved by Commissioner Robinette; second by Commissioner Sturgeon to table Resolution 22-1095 to the May 24, 2022, meeting.
Motion Carried: 3- 0
Voting For: Robinette, Sturgeon, and Jambois
Voting Against: None
Absent: DeBoer and Westbrook

4.C Consider **Resolution 22-1096** approving the issuance of an Abatement Order at 1540 Main Street

Public hearing opened at 7:37 p.m.

Mr. Loflin explained the item pertains to Code Enforcement case 2021-008, nuisance abatement order for property maintenance violations, specifically graffiti. Address is 1540 Main St.

He continued there have been multiple attempts seeking compliance to remove graffiti from the southern exterior wall and adjacent signpost. Staff has attempted getting compliance through letters and administrative citations to no avail.

Graffiti is classified as a public nuisance per ordinance Susanville Municipal Code Chapter 17.1011. Mr. Loflin presented exhibits A through J, provided a timeline of nuisance abatement notifications, and photographs of the graffiti. Not until the weekend of April 23 or April 24, did the property owners attempt to abate the nuisance. The sign has since been covered to the satisfaction of code enforcement, however, there is graffiti that had been attempted to be covered up but is still visible.

Staff recommends modifying the abatement order from the recommended 10 days to 30 days. Mr. Loflin explained the property owner contacted him and wanted to convey his displeasure regarding the response of the City. The building has been a victim of being tagged on multiple occasions, there are about 30 coats of paint on it with no redress from any City services. The owner has requested a meeting with Mr. Loflin and the City administrator when he is able to do so. In the interest of justice, Mr. Loflin said he would honor the request and modify the timeline to 30 days.

Commissioner Robinette said she didn't think the owner, Ryan Potter, was still in the area.

Mr. Loflin responded he was going to be back in the next 30 days.

Commissioner Sturgeon stated Mr. Potter does have a point about his building being a constant target for graffiti. It’s a revolving problem that's not the owner's fault, and he asked what the options are.

Mr. Mumper responded it would be best for staff to discuss with the owner what they can do to improve the situation on that building.

Mr. Loflin stated this matter is where you try to do things informally and get voluntary compliance. The case began in April 2021, it's been a year and there has been no compliance. It has gotten to the point where the City has to do something to cover the graffiti, especially with a word that can be offensive to some people fronted on Main St.

Mr. Tezak urged the commission to seek a resolution and remedy outside of an abatement order for this kind of activity.

Motion by Commissioner Robinette, second by Commissioner Sturgeon, to approve Resolution 22-1096, reflecting the 30-day extension.
Motion carried: 3-0
Voting For: Robinette, Sturgeon and Jambois
Voting Against: None
Absent: DeBoer and Westbrook

Staff Report 1540 Main St Abatement.pdf
Resolution 22-1096.pdf

5. NEW BUSINESS:

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

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

Public Hearing opened at 8:10 p.m.

Chair Jambois requests the parties identify themselves.

Mr. Loflin introduced himself as the City of Susanville Code Enforcement Officer.

Bill Tezak introduced himself on behalf of the Tezak Family Trust and Vice President of Caribbean Investment Corporation.

Chair Jambois explained the appeals hearing provided the opportunity to present evidence regarding the Administrative Citations issued to the applicant by the City of Susanville. The Commission will hear testimony and reveal documents and hear from any witnesses he may have. Mr. Tezak will have reasonable time to present his appeal, not to exceed one hour, unless more time was warranted and agreed upon by the Commission.

Mr. Tezak questioned due process and the Planning Commission being impartial as they are being paid by the City.

P.J. VanErt, City of Susanville attorney, explained that Mr. Tezak's governmental tort claims are a separate matter and not part of tonight's administrative hearing that he was entitled to have. A disqualification motion is not part of the Susanville Municipal Code, and she explained the Planning Commission has been adopted as a neutral hearing officer for his citations. Tonight's hearing is not to challenge the Susanville Municipal Code, it was his time to provide facts about the citations and what has been observed on his property. He could show his own photos, testify to those

photos and provide witnesses. As noted by Ms. Walsh, he was getting due process by having the hearing, and the formal rules of evidence do not apply.

She concluded if he continued to bring up the Federal Constitution and the Constitution of the State of California, and why the Municipal Code is not Constitutional then she would direct him to move on to a factual presentation because they are not relevant to the administrative appeal. She added everyone is looking forward to hearing what factual objections he has to these citations and hoped we could move forward in a more expeditious manner.

Mr. Tezak responded she has been put on notice that his due process has been violated and she has libeled the City and Commissioners. He concluded he considers the matter a sham proceeding.

Mr. Loflin began his presentation explaining on Feb. 24, 2022, he issued citations 2022-003, through 2022-0012, for 10 citations per the Susanville Municipal Code, citations were issued to properties in control of the Tezak Family Trust. Mr. Tezak has identified himself as the agent to address the citations.

On March 16, 2022, Mr. Tezak requested invoking his right to an administrative hearing with the Susanville Planning Commission and it was received within the appropriate appeals window. An advanced hardship waiver was also received and approved, which allows a hearing to take place without a deposit.

The Planning Commission is tasked to determine if a violation of the Susanville Municipal Code existed and warranted the issuance of an administrative citation and that the Tezak Family Trust is responsible for the violations. The Planning Commission will make a recommendation to the Susanville City Council on Wednesday, May 4, 2022, to make a final decision on this matter.

Mr. Loflin presented Exhibits A through H and provided photographs and information regarding each citation.

- CQS-2022-0002 - 713 Cottage St. - Broken windows. Mr. Loflin explained the window was repaired, but was done without a permit obtained through the City Building Department.
- CQS-2022-0004 - 713 Cottage St. - Vehicle violation. Mr. Loflin said while vehicles may be parked in a legal driveway, they have to be in an operable state. In this matter, there are vehicles in various inoperable states.
- CQS 2022-0005 - 713 Cottage St. - Automotive parts on premises. Mr. Loflin explained it was observed multiple vehicles are being dismantled, and there are truckloads of tires and miscellaneous parts.
- CQS 2022-0006 - 811 Cottage St. - Improper storage of trash rubbish and junk/ vehicles on property
- COS 2022-0007 - 811 Cottage St. - Vehicles on property.

- CQS 2022-0008 - 811 Cottage St. - Dismantling vehicle operation, not allowed in Uptown Business District and would require licensing through the California Department of Motor Vehicles.
- CQS 2022-0009 - 50/44 S Gay St. - Zoning violation - Unpermitted use within Uptown Business District.
- CQS 2022-0010 - 50 S. Gay St. - Dilapidated fence. Mr. Loflin explained the fence is in a dilapidated state, pieces of the chain link fence have been pulled apart or is falling down. There are areas that are coming into compliance and some repairs have been made.
- CQS 2022-0011 - 50 S. Gay St. Property maintenance, household items, trash and junk.
- CQS 2022-0012 - 801 Main St. - Broken window. Currently remains in this condition.

Mr. Loflin explained Mr. Tezak had been notified there were public nuisances on the properties. Staff tried to come to an understanding for voluntary compliance. The violations continued, and it became apparent voluntary compliance was not going to be achieved. Throughout the investigation, Staff's recommendation is to uphold all administrative citations and that recommendation goes to the City Council for a total of $1100.

In his response, Mr. Tezak requested the matter be continued so he could provide a formal response, which he has not had the opportunity to do because he did not receive any procedures or processes through his public records requests. He requested an hour for each citation.

Ms. Walsh responded he had the opportunity to present his evidence and ask questions right now. The clock was ticking.

Mr. Tezak addressed the case photographs as presented in Exhibit H and asked the record show this was the first time he was receiving those and he didn't have time to respond.

Ms. Walsh responded the packet was part of the public agenda items.

Mr. Tezak described the photos as vague. He said his property has more than 20 different police reports for vandalism created by the vagrants and homeless people. Regarding the broken window, he explained the glass was removed and the frame was still there. It is a non-standard window he had to have glass specially cut for. He looked up the codes and it's considered non-permitted work. The matter was already abated because he doesn't want his buildings exposed to cold air.

Regarding the red building, Mr. Tezak said the tenants wanted to use the building as a shop, which is a compliant use under his rights of ownership. After receiving the notices, he started abating. The administrative citations are misinterpretations by code

enforcement as to what constitutes a public nuisance, and the Municipal Code doesn't have any legal definitions.

He said he took pictures when everything was removed from the properties, and they were gone long before the administrative citations. He stated some photos included in Mr. Loflin's report were not his property or he had the wrong addresses.

Commissioner Robinette asked Mr. Tezak when his pictures were taken.

Mr. Tezak responded about two weeks ago.

She explained she walked his properties yesterday and took pictures of abandoned trucks, trash cans filled to the brim and a truck with no hood, and nothing but auto parts and trash on the property next to the Lassen County Arts Council.

Mr. Tezak said if we are seeking resolution over enforcement, he has been moving toward abatement since the notices came out.

Commissioner Sturgeon thanked Mr. Tezak for the abatement he has done and asked how much time he needed to complete the process.

Mr. Tezak responded about 60 days, as he is trying to find ways to move the vehicles, but parts are hard to find.

Commissioner Sturgeon said the Commissioners want to work with him and aren't there to make a pre-judgement.

Ms. VanErt explained the hearing was different than the cases heard earlier where the Commission heard abatement orders and working with the property owners. This hearing regards the past tense, and the Commission is considering whether the citations are valid and should they be transmitted to the City Council.

Commissioner Robinette thanked Mr. Tezak for the work he has done to clean up the properties. The Commission is doing its due diligence to polish up the town and attract businesses in Uptown.

Mr. Tezak's South Gay property bumps up to where people come all summer long for Farmer's Market. When tenants do not take care of the properties, people make complaints to the City. She continued she did not think anyone on the board was out to pick on Mr. Tezak, isolate him, or take away his rights. They just want the town looking good.

Mr. Tezak said he is in favor of that, but not how it is being performed. He has had to resort to the legal remedy because of adversity among City staff.

Commissioner Sturgeon said he wanted to give Mr. Tezak more time to complete his abatement.

Mr. Loflin clarified the purpose of the hearing. He continued his stance is to get voluntary compliance which is why a courtesy violation was issued. The City was waiting for compliance but wasn't getting it and therefore had to make a decision to issue a citation to get things moving.

Chair Jambois asked Mr. Tezak if he had any witnesses.

Rebecca Williams, identifying herself as Mr. Tezak's assistant, said she has been helping get his property into compliance, but it is not easy, they have been working toward this non-stop.

Commissioner Robinette, commented about CE 2022-0003, broken windows. She said there are no glass stores in town, and it is hard to get windows. She said both window citations should be removed. She was concerned about the vehicles on the property and the unpermitted use. She was also in favor of tossing out the fence violation.

Mr. Tezak said he had not completed his response.

Commissioner Robinette responded he had one hour and she stopped the clock at one hour and 13 minutes.

There was discussion regarding providing Mr. Tezak more time.

Mr. Tezak said he wanted one hour for each citation and needs time to responded in writing.

Ms. VanErt responded the Code allows for the Commission to provide reasonable time and in this case, the Commission has chosen one hour, but it is 10 p.m. Mr. Tezak has had more than one hour and notice and time to prepare. The public records requests are not relevant. The recommendation is to give Mr. Tezak another 30 minutes and put him on notice to provide the last information he would like the Commission to hear prior to a vote.

Commissioner Robinette said she did not want to continue the meeting any longer, and her opinion is to toss citations for the windows and fence, and the rest will go to City Council.

Commissioner Sturgeon said he wanted to squash the matter. He has issues and reservations about this and would like more time. If not allowed more time, he would vote no.

Chair Jambois said he thought Mr. Tezak had more than enough time. He heard a good presentation from staff and thanked Mr. Tezak for his presentation, and he made his case quite succinctly.

Commissioner Robinette provided a brief history of the Commission's work on getting code enforcement going, and it was a huge project. These are the first ones that we are launching off on. We need to move forward on this, but it needs to go to the City Council.

Motion by Commissioner Robinette to approve Resolution 22-1097 with the recommendation to cancellations 2022-0003, 2022-0010 and 2022-0012, and uphold citations 0004, 0005, 0006, 0007, 0008, 0009, and 0011, second by Chair Jambois.

Voting For: Robinette and Jambois.

Voting Against: Jeremiah Sturgeon
Absent: DeBoer and Westbrook

Staff Report Administrative Appeals Hearing Tezak.pdf
Administrative Citations Tezak.pdf Resolution 22-1097.pdf

6. **CORRESPONDENCE: None**

7. **COUNTY REFERRALS: None**

8. **ADJOURNMENT:** Motion by Commissioner Robinette, second by Commissioner Sturgeon to adjourn at 10:12 p.m.

_____
Signed, Chair Wayne Jambois

Respectfully submitted by,

_____
Ruth McElrath, Building Permit Technician

_____
Heidi Whitlock, City Clerk

_____
Approved On:

AGENDA ITEM NO. 3.B
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	July 12, 2022
SUBJECT:	Receive and file minutes of the May 24, 2022, meeting.
PRESENTED BY:	Ruth McElrath
SUMMARY:	Staff is presenting minutes from the May 24, 2022, meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes of the May 24, 2022, meeting.

ATTACHMENTS:
P.C. 5.24.222 minutes.pdf

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, MAY 24, 2022 – 6:30 PM

CALL TO ORDER: Chair Jambois calls meeting to order at 6:30 p.m.

ROLL CALL: Commissioner DeBoer, Commissioner Robinette, Commissioner Sturgeon and Chair Jambois.

CITY STAFF PRESENT: Kelly Mumper, City Planner, Cody Loflin, Code Enforcement Officer and Ruth McElrath, Building Permit Technician.

1. APPROVAL OF AGENDA: Motion by Commissioner Robinette, second by Commissioner Sturgeon to approve agenda as submitted.

Motion: 4- 0
Voting For: DeBoer, Robinette, Sturgeon and Jambois.
Voting Against: None
Absent: Westbrook.

2. BUSINESS FROM THE FLOOR:

Jim McCarthy asked the City getting reimbursed after staff goes in and secures buildings.

Mr. Loflin responded any work done by the City is going to be a cost recoverable item, which can be done a later time. For instance, he will put everything together for the summary abatements done at the St. Francis, and a cost recovery hearing will be held with the City Council, who will approve the amount, which will be placed on the property a a lien, or a separate assessment on the tax rolls.

Mr. McCarthy responded it doesn't change his thinking that when it gets to be a number of years, the City is actually temporarily subsidizing the holding costs on that property, and it can be quite a bit.

Bill Tezak, public member, asked if the Commission received his notice for judicial review regarding the decision it made for administrative citations on his properties.

Mr. Mumper responded the City Clerk received said notices and he would recommend reaching out to the City Clerk or City Administrator regarding the matter.

Mr. Tezak asked where public records requests are done through, the Commission or Clerk? Chair Jambois responded it would be through the Clerk.

3. CONSENT ITEMS: None

4. PUBLIC HEARINGS:

4.A Use Permit #2022-006, Cashman Equipment Company
Approve Resolution No. 22-1103
Public hearing opened at 6:38 p.m.

Mr. Mumper explained Cashman Equipment is proposing a Use Permit to allow for a tractor equipment rental business in a C-2 zoning district at 3020 Riverside Dr., APN 116-040-045-000. The proposed use is on a currently vacant lot, which is approximately a half-acre. The proposed project is exempt from the California Environmental Quality Act.

Comments received from City departments are the Building Department will require building permits for any permittable work; the Fire Department requests a three-foot clearance around the fire hydrant and a Knox box will be required for fire department access; Public Works require the installation of a new ADA driveway.

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

Mr. Mumper continued the use is allowed by first securing a Use Permit. The applicants intend to use the former Baxter Auto Parts for the retail side of their proposed business and that building is not part of this Use Permit because the storage yard is on a separate parcel. The applicants are also requesting an 8-foot perimeter fence for security.

Staff recommends approval with the conditions outlined in the Resolution. The applicant provided extensive photos.

Mr. Mumper also noted the parcel extends into another parcel. As part of the conditions of approval, the applicants shall apply for a lot line adjustment, and staff commends them as it will clean up the parcel configuration.

Anytime we can get a recently vacated retail space filled, we are really excited about it, Mr. Mumper concluded.

Commissioner Robinette asked about the proposed chain link fence and stated the Commission required other projects to install a wrought iron fence. She is wondering about the frontage and making it look nicer.

Mr. Mumper responded the Planning Commission did require another rental company to install a wrought iron fence, but nothing is codified to require it. The Commissioners can ask for it and the applicants can consider it.

Commissioner Sturgeon responded he just wants it to look nice.

Chair Jambois said the photographs are terrific, and he thinks the front looks presentable.

Todd Gilligan, Vice President of Cashman Equipment, thanked staff for its time. Cashman left Susanville in 2000, a decision made by leadership at that time. They always wanted to find their way back and find the right time to do so. Now is the right time, and they were fortunate to find an available building. Cashman intends to start with hiring four employees. Regarding the aesthetics, Cashman has a brand and image it tries to uphold and very high standards it has to meet with Caterpillar. If approved, the goal is to be open for business before the end of July.

Motion by Commissioner DeBoer, second by Commissioner Robinette to approve Resolution 22-1103.

Public Hearing closed at 6:53 p.m.

Cashman SR-Site Plan-Elevations.pdf
Resolution 22-1103.docx

Moved by Commissioner DeBoer; seconded by Commissioner Robinette to approve resolution 22-1103.

Motion: 4- 0
Voting For: DeBoer, Robinette, Sturgeon and Jambois.
Voting Against: None
Absent: Westbrook.

4.B Variance #2022-004, Zarick

Approve Resolution No. 22-1104

Mr. Mumper explained the matter pertains to a variance requested by Steve Zarick of 555 Spruce St. The applicant is requesting a variance to reduce the R-1, Single Family Residential Zoning District, required front yard setback from 20 ft. to 12 ft. to accommodate a proposed covered porch entryway. The project is exempt from the California Environmental Quality Act, pursuant to section 15303.

Comments received from City Staff are: Building Department requires engineered plans designed by a license professional; Fire Department requires compliance with all fire and life safety code. No comments were received from the Police or Fire Departments.

The applicant provided a diagram showing the layout of existing street and setbacks of surrounding residences. Mr. Mumper explained it is staff's opinion the applicant has provided substantial evidence they should share the same luxuries as the rest of the block. Line of site and safety will be preserved if the variance is approved.

Property owners were notified within a 300-foot radius and no comments were received in favor or against. Staff recommends approval with the conditions outlined in the adopting resolution.

Jeff Morrish, NST Engineering and applicant representative, said the intent is to provide an opportunity for Mr. Zarick to improve his residence.

Public hearing closed at 6:59 p.m.

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

Moved by Commissioner Robinette; seconded by Commissioner DeBoer to approve Resolution 22-1104.

Motion: 4- 0
Voting For: Robinette, DeBoer, Sturgeon and Jambois.
Voting Against: None
Absent: Westbrook

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

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

Public hearing opened at 7 p.m.

Mr. Loflin explained on or about June 2022, code enforcement staff started receiving complaints regarding the property at 509 Woodside Way. Alleged violations pertained to the Property Maintenance Ordinance. A diseased or dead tree was verified to exist within the front yard setback of the property, which is considered a public nuisance pursuant to this ordinance.

He noted the owner of record passed away in 2016.

The structure has been deemed to be a substandard structure pursuant to the 17020.3, California Health and Safety Code in 2017 due to a lack of utility services for the structure.

Staff initiated a code enforcement case and began investigating the matter. Notification was made to an adult child of the owner of the property in September 2021, and a request to abate the public nuisance of the dead tree was requested to this person. Code enforcement staff continued receiving complaints regarding the condition of the tree. Complaints were also received regarding the increased use of transients and that the structure was unsecured. Staff determined the structure was unsecured due to forced entry. Red tags were reapplied to notify the public of the substandard nature and provided an order to not occupy the structure.

Staff is recommending approval of the issuance of 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, approve the issuance of civil penalties if failure to abate declared nuisances.

Mr. Loflin presented exhibits A through J.

He explained orders are to remove the deceased and dead tree by 11:59 p.m. on June 27, 2022. This corresponds with the City of Susanville's weed and trash abatement. The property must be cleared of weed and rubbish, remove limbs and damaged portions of trees. Secure the structure to prevent any illegal inhabitation of unauthorized persons, maintain vacant structure in accordance with property maintenance orders and adhere to neglected vacant building standards. There must also be no further violations of the Susanville Municipal Code. If compliance is not met, staff is requesting a fine of $100 per day, effective March 1, 2022. The maximum administrative penalty will be $10,000 due Sept. 1, 2022, by 4:30 p.m.

Commissioner Robinette asked about staff's conversations with the property owner's son, Justin Barney.

Mr. Loflin explained when he spoke with Mr. Barney in September, he wanted to walk away. There is a hefty lien on the property, which is rendering it unsaleable. In March, Mr. Barney was speaking with a lawyer, and they cannot take the property through the probate property to transfer it into his name. The attorney did recommend demolishing the structure to mitigate it.

Mr. Loflin said the building is still habitable.

Commissioner Robinette asked if staff upholds the abatement order and goes about the path in the Susanville Municipal Code can the property be saved.

Mr. Loflin responded staff would more than likely pursue a receivership. One of the first steps is starting the abatement process and moving forward to show there is an available structure, and the City is unable to get compliance from other family members.

Mr. Tezak spoke in opposition of the abatement, and said he considered it a sham proceeding. He is a proponent of less government on personal property.

Public hearing closed at 7:22 p.m.

Exhibit List - 509 Woodside Way.pdf
Staff_Report_509_Woodside_Way.docx
509 Woodside Wy Resolution.docx

Moved by Commissioner Sturgeon; seconded by Commissioner Robinette to Approve resolution 22-1105.

Motion: 4- 0
Voting For: Sturgeon, Robinette, DeBoer and Jambois
Voting Against: None
Absent: Westbrook

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

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

Public hearing opened at 7:22 p.m.

Mr. Loflin explained the structure at 1502 Cornell St. has been declared a substandard building pursuant to California Health and Safety Code 17920.3, due to conditions of the building and the lack of sanitary conditions. Mainly, the Susanville Sanitary District physically disconnected the sewer. The structure has been a source of criminal activity and frequented by the transient population, which has resulted in many reports by the Susanville public safety departments. A nuisance abatement was conducted on the property in 2018 with the issuance of two inspection warrants. Since then, the condition of the property has improved, but remains a nuisance. In February 2022, Mr. Loflin went to re-tag the structure and there were two transients on the property. Law enforcement responded and cited the individuals.

Mr. Loflin continued the case is CE 2022-020, property owner Thomas and Shannah Glenn. Due to the substandard designation, it falls under the neglected, vacant building standards. Staff is recommending the approval of a nuisance abatement order directing property owners to abate all public nuisances prior to the date specified by the Planning Commission and approve the issuance of civil penalties if failure to abate the declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

Mr. Loflin provided exhibit list A through J. The owners have secured a demolition permit and demolition shall commence within 30 days and be completed within 45 days of the order. All weeds and rubbish shall be removed by June 27, 2022, at 11:59 p.m. If the order is not complied with, penalties will be assessed at $100 per day starting from Feb.22, 2022, with the maximum penalty of $10,000 due on Sept. 1, 2022, by 4:30 p.m.

There was discussion regarding the demolition permit being issued within the last two weeks.

Mr. Mumper said staff is confident it will be demolished, but if not, we are looking for the Commission's direction.

Richard Wilburn spoke in favor of the abatement. He said the issues have been going on for five to six years, there have been fights in the street, and people crawling into his daughter's yard hooking up hoses. He asked if there is any recourse if it doesn't get done, it is destroying the neighborhood.

Mr. Loflin responded if the building is not demolished, the City can secure an abatement and inspection warrant and take on the burden to demolish it. A cost recovery can be done through liens, however, the City would rather see compliance.

Public hearing closed at 7:41 p.m.

Exhibit List - 1502 Cornell Street.pdf
1502_Cornell_Street_Resolution.docx
Staff_Report_1502_Cornell_St.docx

Moved by Commissioner DeBoer; seconded by Linda Robinette to approve Resolution 22-1106, approving the issuance of a Nuisance Abatement Order for 1502 Cornell St.

Motion: 4-0
Voting For: DeBoer, Robinette, Sturgeon and Jambois.
Voting Against: None
Absent: Commissioner Westbrook

4.E Consider **Resolution No. 22-1107,** approving the issuance of a Nuisance Abatement Order for 2440 Main Street

Motion to continue discussion of **Resolution No. 22-1107,** at the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

Public hearing opened at 7:41 p.m.

Mr. Loflin explained the matter before the Commission is consideration of Resolution 22-1107, a nuisance abatement order for 2440 Main St. He provided a brief history that on or about August 2021, code enforcement staff received reports of an unsecured commercial building with known transient occupation. The structure has been breached by the in both the front and rear of the property.

He continued the initial intent is to bring the property owner in front of the Susanville Planning Commission along with another nuisance property. However, the property owner's legal counsel requested an extension. Staff considered the request and is moving to continue the matter to a later date. Staff recommends hearing public comment then continuing the matter to the Planning Commission's regular Tuesday, July 12, 2022, meeting.

Mr. McCarthy provided a history of the building. He found that the Central Hotel Trust purchased the property, not a little old lady who fell on bad luck. As a taxpayer, he's concerned the City of Susanville is unwittingly subsidizing the holding costs for these people. He said he didn't want to see the matter continued and do whatever needs to be done to get the property abated.

Commissioner DeBoer asked if the taxpayer having to put out money or being deprived of money that the City should be receiving.

Mr. Loflin responded there are multiple options for any of these matters. The City has the ability to get an abatement warrant and do the work at the City's cost, which later goes to cost recovery. The other options are receiverships, which takes the cost out of the City's hands, and handles the financing and liens. The City can also go through the civil and criminal route. He said if we have to go about these procedures, what is going to be the most cost-effective.

Commissioner Robinette asked what the goal is for the property - secure or remove it. She continued explaining that a neighboring property had offered to paint it for them.

Mr. Loflin responded he spoke with the agent of the Central Hotel Trust who was in the area on Oct. 2021. He was looking into painting the building and was wanting to convert it into office space.

Public hearing closed at 7:56 p.m.

Moved by Commissioner Robinette; seconded by Commissioner Sturgeon to approve continuing the hearing to the regularly scheduled July 12, 2022, meeting.

Motion: 4- 0
Voting For: Robinette, Sturgeon, DeBoer and Jambois
Voting Against: None
Absent: Westbrook

4.F Consider **Resolution No. 22-1108,** approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane

Motion to continue discussion of **Resolution No. 22-1108** to the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022

Public hearing opened at 7:57 p.m.

Mr. Loflin explained May 2022 marks the 19th anniversary since the closure of Lassen Community Hospital and the subsequent opening of Banner Lassen Medical Center. the former site of the hospital has become a major source of blight for the community. All buildings within the property have suffered significant damage caused by vandalism and those seeking scrap metal, and elements at large. The site contains hazards and a structure fire that occurred in December 2020 destroyed the building known as the Annex Building. A demolition permit was secured, but the work has not been completed and the burned skeleton remains visible to the public.

The property currently remains well below the minimum standards established through the Property Maintenance Ordinance. 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.

Mr. Loflin continued that staff intended for this matter to be heard in its entirety at this regular meeting of the Planning Commission, but the property owner's counsel submitted an extension request. Staff intends to allow for initial discussion and for any public comment before making a motion to continue this matter to the regular July 12, 2022, meeting.

Mr. McCarthy commented that the property owners are coincidentally the same as 2440 Main St., and this is nine acres of valuable property. He was not in favor of granting an extension.

Public hearing closed at 8:03 p.m.

Motion by Commissioner sturgeon, second by Commissioner DeBoer to continue hearing to July 12, 2022.

Moved by Commissioner Sturgeon; seconded by Commissioner DeBoer to continue the hearing to the regularly scheduled July 12, 2022, meeting.

Motion: 4--0
Voting For: Sturgeon, DeBoer, Robinette and Jambois.
Voting Against: None
Absent: Westbrook

5. NEW BUSINESS: None.

6. CORRESPONDENCE: None

7. COUNTY REFERRALS: None

8. ADJOURNMENT: Motion by Commissioner Sturgeon, second by Commissioner Robinette to adjourn at 8:09 p.m.

_____
Signed, Chair Wayne Jambois

Respectfully submitted by,

_____
Ruth McElrath, Building Permit Technician

_____
Heidi Whitlock, City Clerk

_____
Approved On:

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: July 12, 2022

SUBJECT: Continue discussion from May 24, 2022 to 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.

On June 24, 2022, a building inspection took place with permission of the property owner's legal counsel. Code Enforcement, Planning, and Fire Department personnel were on site in addition to a local licensed engineer. Staff entered the building and was able to conduct an inspection. Evidence of transient occupation was apparent with the most concerning evidence being the remnants of several warming fires in the interior of the building. One of these "warming fires" was started in the middle of a carpeted room.

The building located at 2440 Main Street has been declared a substandard building pursuant to California Health & Safety Code 17920.3. The Susanville Municipal Code empowers an enforcement official with the authority to act on matters that have been declared public nuisances. The Susanville Municipal Code declares substandard building to be a public nuisance and provides Chapter 8.32 as the framework for the abatement of public nuisances. The City of Susanville seeks the issuance of a Nuisance Abatement Order as described in the Susanville Municipal Code.

FISCAL IMPACT: None at this time

ACTION REQUESTED: Motion to approve Resolution No. 22-1107 approving the issuance of a Nuisance Abatement Order for 2440 Main Street

ATTACHMENTS:

Nuisance Abatement Order Staff Report - 2440 Main St.docx
Exhibit List 2440 Main St.pdf
Resolution 22-1107.docx

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
July 12, 2022

FILE NUMBER	CE#2021-055
PROPERTY OWNER	Central Hotel Trust
REQUEST	Issuance of a Nuisance Abatement Order and authorization for issuance of Civil Penalties
ASSESSOR'S PARCEL NO.	105-240-002-000
PARCEL SIZE	Approximately 4,500 square feet
LOCATION	2440 Main Street
EXISTING ZONING	C-2 (General Commercial and Shopping Center)

		ZONING	LAND USE
SURROUNDING ZONING AND LAND USE	**North**	C-2	Commercial
	South	R-1	Residential
	East	C-2	Commercial
	West	C-2	Commercial

GENERAL PLAN DESIGNATION	General Commercial/Shopping Center
ENVIRONMENTAL DETERMINATION	Not Applicable: Not a "project" and not subject to CEQA review.

BACKGROUND:

Code Enforcement initiated a case file on the property of 2440 Main Street in August 2021, after receiving complaints of illegal habitation in a vacant building. Unknown individuals believed to be a part of the transient population, had forced entry into the structure and the complainant was worried for the health and safety of those individuals and the general health and safety to the public at large. Upon investigation, it was determined that the structure had been declared to be a substandard dwelling and had been "Red Tagged" due to a lack of sanitation and lack of utility services.

A Notice of Public Nuisance was issued to the **Central Hotel Trust** on August 3, 2021. The Notice of Public Nuisance advised the Property Owners of the illegal habitation and requested their

assistance in securing the structure. This notice also provided notification of property maintenance issues that would need to be corrected within a reasonable time period.

On October 20, 2022, personal contact was made with Sean Kojoori. **Mr. Kojoori** identified himself as an agent of the **Central Hotel Trust.** **Mr. Kojoori** was made aware that his building had been breached after he made the trip to Susanville due to another Code Enforcement case with another property of the **Central Hotel Trust.** **Mr. Kojoori** was advised of the property maintenance issues and that when weather permitted the City of Susanville would be enforcing its property maintenance ordinance and the violations would need to be corrected. **Mr. Kojoori** claimed that he did not receive the Notice of Public Nuisance from August 3, 2021. This notice was held at the Permit Counter inside City Hall for **Mr. Kojoori** to pick-up. **Mr. Kojoori** returned to the Los Angeles area before picking up the letter. A copy of the notice was mailed via First-Class Mail.

There were no further attempts made by the **Central Hotel Trust** to bring the property into compliance with State Law and our Municipal Code. A follow-up review involving the other property prompted the escalation of this property to the Susanville Planning Commission for the issuance of a Nuisance Abatement Order. The Notice of Intention to Abate Public Nuisance & Notice of Public Hearing was mailed on April 13, 2022. Under the provisions of the administrative nuisance abatement process additional violations were noted.

On May 5, 2022, Code Enforcement received a request from The Law Office of Michael Carter Smith, Esq. requesting an extension on the hearing for his client, **Sean Kojoori,** due to medical reasons. This request was granted by the City Administrator on May 18, 2022. The Public Hearing was conducted on May 24, 2022, with the motion presented to the Planning Commission to table the matter and continue the discussion to the Regular Meeting of July 12, 2022. The motion was approved to table the matter.

On June 24, 2022, City Staff conducted a site inspection with Cheri Farrell of Crossroads Ministries. Cheri had been in contact with the legal counsel of **Mr. Kojoori**. Cheri received consent to enter the building with city staff and a contracted engineer in order to assess the building as Cheri has been provided an opportunity to purchase the building. The site inspection was conducted with many more concerns and potential violations of the state statutes and local ordinances. The confirmation of illegal habitation was of most concern as several warming fires were located within the structure. A warming fire was located in a carpeted room which caused the carpet to melt. The illegal habitation and the neglected nature of the building only enhances the need to maintain this property as a declared public nuisance and order the issuance of an abatement order to compel the property owner to bring the property into compliance.

TIMELINE:

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

- August 3, 2021, a Notice of Public Nuisance issued by Cody Loflin, Code Enforcement Officer
- October 25, 2021, a copy of the NPN from 8/3/21 mailed by Cody Loflin, Code Enforcement Officer
- April 13, 2022, a Notice of Intention to Abate Public Nuisance & Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer.

ANALYSIS:

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

- This building was declared to be a substandard building pursuant to the California Health & Safety Code, specifically § 17920.3.
- The Susanville Sanitary District issued a "Paper Disconnect" due to non-payment of sewer services. The water was disconnected due to this notice and the building was "Red Tagged" on September 21, 2017.
- Without water or sewer service, there is a substantial risk to the public health, safety and welfare for any person to occupy this structure.

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.

- A dangerous building is defined as such based on the provisions of the California Building Code and 1997 Uniform Code for the Abatement of Dangerous Buildings or within the definition of a substandard building under the provisions of the California Building Code.
- Building has been declared a substandard building and therefore classified as a dangerous

building.

- All dangerous buildings are declared to be a public nuisance pursuant to § 15.10.050 SMC.

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: The maintaining of a neglected vacant building as defined in Chapter 5.09 of this code.
- 8.32.050(A)(5) SMC: Dangerous buildings as defined and regulated in Chapter 15.10 of this code.
- 8.32.050(C)(2) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, an abandoned and dilapidated building or portion of a building.
- 8.32.050(C)(4) SMC: A condition of real property or building, structure, improvement, or other thing on real property that is unsightly and by reason thereof, contributes to a diminution in the value of surrounding properties when visible from a public right-of-way or alley, including, but not limited to, the maintenance of property in the city in violation of Chapter 8.52 of this code.
- 8.52.030(A)(1) SMC: Structures or buildings, both permanent and temporary, or other lot improvements including buildings or shed exempt from obtaining a building permit, which are subject to any of the following conditions: Faulty weather protection, including, but not limited to, crumbling, cracked, damaged, missing, broken, or loose exterior plaster, siding of any kind, roofs, foundations, or floors. Broken, damaged or missing windows or doors. Painted or unpainted surfaces suffering form 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 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 properties.
- 8.52.030(D) SMC: Attractive nuisances.
- 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 owner to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS:

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

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

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance into Sections	
B	**Ordinance No. 17-1011** Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table	
D	ParcelQuest Property Information Property Address: 2440 Main Street Name of Property Owner: Central Hotel Trust	
E	Notification of Nuisance dated August 3, 2021	
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 2440 Main Street	
H	Miscellaneous Documents	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE

EXHIBIT 'A'

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

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</u> or <u>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	

	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	**Nuisance Abatement Hearing** 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.		
4	**Decision of Planning Commission** 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development 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.		
5	Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins 1. Within 5 days of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. Service must be by 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	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'

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:

A. A fine not exceeding one hundred dollars ($100.00) for a first violation;

B. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance, term, or condition within one year from the date of the first violation, or $500 for a second violation of a building or safety code within one year from the date of the first violation;

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

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

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

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

1.12.020 Recovery of attorneys' fees and costs.

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

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

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

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

10.22.030 Definitions.

As used in this chapter:

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

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

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

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

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

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

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

Chapter 8.32 Administrative Nuisance Abatement

8.32.010 Purpose.

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

8.32.020 Applicability.

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

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

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

8.32.030 Definitions.

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

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

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

8.32.040 Public nuisance prohibited.

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

8.32.050 Public nuisance defined.

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

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

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

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

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

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

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

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

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

2. A failing private sewage disposal system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

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, 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.

8.32.100 Right of entry procedures

A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever there is reasonable cause to believe that there exists a violation of any provision of such ordinance, resolution or code in any building, or upon any premises, or whenever any enforcement official of the city has reasonable cause to believe that any building or premises is 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:

1. If the building or premises is occupied, the enforcement official shall first present to 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;

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

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;

(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.

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

8.32.120 Hearing board - public hearing

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 Decision of the hearing board

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.

(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.

8.32.150 Notice of unlawful detainer proceeding.

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

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

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

8.32.160 Grievance with final order- Appeal

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

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

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

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

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

The city finance manager, the enforcement official or such other city official as may be designated shall keep an account of all costs incurred by the city in abating nuisances on each separate lot or parcel of land where the work is done and shall render a written itemized report to the city council. Costs shall include the expense of abating such nuisance and shall be itemized showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation, demolition or removal of said premises, building or structures, including any salvage value relating thereto and any incidental expenses; provided that before said report is submitted to said city council, a copy of the same shall be posted for at least ten (10) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation; a copy of said report and notice shall be served upon the owners of said property, in accordance 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

resolution shall provide for collection of the assessment in the event of nonpayment either by recordation of the council resolution in the manner provided for by section 38773.1 of the 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.

8.32.220 Service for resolution of assessment costs

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:

A. If the council resolution levying the assessment provides for collection of the assessment by recordation of the resolution against the property upon which city abatement work was performed, the enforcement official shall cause a copy of the resolution to be served on the owner of such property in the same manner as required by law for the service of a summons in a civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure (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.

B. If the council resolution levying the assessment provides for collection of the assessment by inclusion of the assessment on the county tax rolls, the director shall cause a certified copy of the resolution to be served on the owner of the property by certified mail, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that 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.

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

Where the council has adopted a resolution levying an assessment for city abatement costs and has provided in such resolution for the collection of such abatement costs by recording the resolution against the property on which the city abatement work was performed, the director, promptly after completing service of the council resolution in the manner hereinbefore required by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy 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.

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

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

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

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

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

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

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

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

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

8.32.280 Summary nuisance abatement.

(A) Notwithstanding any provisions of this chapter to the contrary, whenever the enforcement official determines that a public nuisance is so imminently dangerous to life or 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

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

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

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

C. Penalties imposed by the 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.

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

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

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

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

8.32.300 Violations.

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.

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.

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.

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.

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;

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

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 of entitlements or permits enacted or approved pursuant to the police power;

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

8.40.020 Definitions.

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.

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

8.40.030 Administrative citation.

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.

8.40.040 Contents of Administrative Citation.

Each administrative citation shall contain the following information:

A. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;

B. The address or a definite description of the location where the violation occurred or is occurring;

C. The section of this code violated and a description of the violation;

D. The amount of the administrative fine for the code violation;

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;

F. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;

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

H. The name and signature of the citing enforcement official.

8.40.050 Service of administrative citations and other notices.

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 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 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.

8.40.060 Notice of violation - Generally.

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 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:

A. The date and location that the violation was observed;

B. The section of this code violated and a description of the violation;

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.

8.40.070 Notice of violation - Exceptions.

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

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

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

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

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

8.40.080 Correction of violation.

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

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.

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.

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.

8.40.120 Hearing Board.

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

8.40.130 Hearing procedure.

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.

B. A hearing before the hearing board officer shall be set for a date that is not less 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.

C. At the hearing, the administrative citation and any written report submitted by the 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 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.

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

8.40.140 Hearing board's decision and city council review.

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

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

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

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

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

8.40.150 Delinquent administrative fines – late payment charges and interest.

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

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.

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

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

Chapter 8.52 Property Maintenance

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

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

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

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

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

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

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;

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.

Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any enforcement official as designated by the City Administrator to enforce the codes of the City determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or 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.

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

Chapter 15.09 – Neglected vacant buildings

15.09.010 – Findings and purpose

The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants and transients and invite criminal activity, the dumping of trash and garbage and unauthorized occupation. The use of vacant buildings by transients, who may employ primitive cooking or 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.

The City Council also finds that because of the potential economic and public health, safety and welfare problems caused by vacant buildings, the city needs to monitor vacant buildings so that they do not become attractive nuisances, are not used by vagrants or trespassers, are properly secured and maintained, and do not become a blighting influence in the 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.

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

15.09.020 – Remedies for violation.

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

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

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

15.09.030 - Vacant and neglected vacant building.

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

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

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or
3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:
   a. Maintenance of landscaping and plant materials in good condition;
   b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;
   c. Regular removal of all exterior trash, debris and graffiti;
   d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;
   e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;
4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

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

15.09.050 - Structural and building standards.

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

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

15.09.060 - Fire safety standards.

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

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

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

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

15.09.07 - Security standards.

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

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

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

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

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

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

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

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

5. The property owner shall obtain a building permit for work dune 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 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.

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

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

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

15.10.010 Definition.

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

15.10.020 Abatement—Informal procedures authorized.

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

15.10.030 Abatement—Costs.

The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under 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

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

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

Gwenna MacDonald/City Clerk

APPROVED AS TO FORM:

Jessica Ryan, City Attorney

CITY OF SUSANVILLE

EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	**Notification of Nuisance** 1. Manner Served: **FIRST CLASS MAIL** 2. Served On: **CENTRAL HOTEL TRUST** 3. Date of Service: **AUGUST 3, 2021** 4. Compliance Deadline Stated in Notice: AUGUST 15, 2021	**10**				
2	**Notice of Intent to Abate and Notice of Public Hearing** 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: **APRIL 13, 2022** 3. Compliance Deadline Stated in Notice (abatement period expiration date): **MAY 1, 2022** 4. Date of Public Hearing (must be at least 10 days after abatement period expires): **MAY 12, 2022** 5. Date Notice Posted at Property: **APRIL 14, 2022** 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: **APRIL 14, 2022**	**20**				
3	**Nuisance Abatement Hearing** 1. Date of Hearing: **MAY 12, 2022** 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers 4. Rescheduled Date of Hearing: **JULY 12, 2022** 5. Time of Hearing: 5:30 pm 6. Location of Hearing: City Council Chambers					
4	**Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance** 1. Planning Commission decides if a public nuisance exits or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	**5**				
5	**Appeal Abatement Order** 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: Owner's Name: Phone No.: Tenant ☐Yes or ☐No

CITY OF SUSANVILLE

EXHIBIT 'D'

PARCELQUEST

LIST 1

DETAIL

1 Property Address: 2440 MAIN ST

Ownership

County:	**LASSEN, CA**
Assessor:	**NICK CEAGLIO, ASSESSOR**
Parcel # (APN):	**105-240-002-000**
Parcel Status:	**ACTIVE**
Owner Name:	**CENTRAL HOTEL TRUST**
Mailing Address:	**1331 E 7TH ST LOS ANGELES CA 90021**
Legal Description:	

Assessment

Total Value:	**$60,967**	Use Code:	**C1CE**	Use Type:	**COMMERCIAL**
Land Value:	**$23,125**	Tax Rate Area:	**001-013**	Zoning:	
Impr Value:	**$37,842**	Year Assd:	**2021**	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	**$18.63**
% Improved:	**62%**	Delinquent Yr:			
Exempt Amt:		HO Exempt:	**N**		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	**05/24/2018**	**10/04/2006**	**01/09/2002**	**05/24/2018**
Document Number:	**2018R0001950**	**2006R0009009**	**2002R0000170**	**2018R0001950**
Document Type:	**GRANT DEED**	**GRANT DEED**		
Transfer Amount:	**$29,800**			
Seller (Grantor):	**CENTRAL HOTEL TRUST**			

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):	**2**	A/C:		Stories:	
Baths (Half):	**1**	Heating:		Quality:	**3.5**
Total Rooms:		Pool:		Building Class:	**C**
Bldg/Liv Area:	**1,600**	Park Type:		Condition:	
Lot Acres:		Spaces:		Site Influence:	
Lot SqFt:		Garage SqFt:		Timber Preserve:	
Year Built:	**1930**			Ag Preserve:	
Effective Year:	**1930**				

CITY OF SUSANVILLE

EXHIBIT 'E'

7019 1640 0002 0101 3409

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

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

OFFICIAL USE

Certified Mail Fee $ 3.45

Extra Services & Fees (check box, add fee as appropriate)
- ☑ 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 $ 8.90

Sent To Central Hotel Trust

Street and Apt. No., or PO Box No. 1331 E. 7th St.

City, State, ZIP+4® Los Angeles CA 90021

Postmark Here

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

City of Susanville

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

Notice of Public Nuisance
Susanville Property Maintenance Ordinance (2017)

[Ord. 17-1011]

August 3, 2021

Central Hotel Trust
1331 East 7th Street
Los Angeles, CA 90021

RE : 2440 Main Street, Susanville, CA 96130 [APN : 105-240-002-000]

To whom it may concern:

The City of Susanville has received multiple complaints from the public regarding said property within the Incorporated City Limits of Susanville. City staff conducted a site visit on August 3, 2021 and verified public's claims of a public nuisance. Said building has been deemed a substandard building pursuant to California Health and Safety Code Section 17920.3 due to a lack of utilities and sanitary conditions. Said building has been breached and complaints of illegal occupation has been received. The City of Susanville moves to declare a public nuisance upon said property pursuant to the Susanville Property Maintenance Ordinance 2017 as codified in the Susanville Municipal 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 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

Based on a current site inspection of 2440 Main Street, the following violations were observed.

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.

Section 17920.3 California Health and Safety Code

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:

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

Actions to Correct Violations:

1. Contact Code Enforcement Division to set up an inspection of the property. The Susanville Police Department will need to search the building for any transients before the building is secured.
2. Secure all entry points or possible entry points. It is suggested to use plywood on all windows and doors on the first floor.
3. Repair any dry rot, warped, or damage components of the exterior building
4. Re-paint exterior in a color consistent with the City of Susanville Municipal Code.

Timeline:

- All declared public nuisances as described by Chapter 8.52 of the Susanville Municipal Code shall be remedied within 10 days of the receipt of this letter.

- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. [Section 1.08.010, Section 1.12.010, Chapter 8.32, Chapter 8.40].

- Furthermore, this property may be declared a neglected vacant building and would be subject to Chapter 15.09 of the Susanville Municipal Code where additional penalties may be levied upon the property owner.

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

CITY OF SUSANVILLE

EXHIBIT 'F'

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

Central Hotel Trust
1331 E. 7th St.
Los Angeles CA
90021

[X] (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.

[X] (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 2440 Main St. Susanville/Lassen/California.

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

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

DATED: 4-13-22

Cody 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 Intention to Abate + Notice of Public Hearing

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Central Hotel Trust
1331 E. 7th St.
Los Angeles CA
90021

[X] (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.

[X] (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 2440 Main St. Susanville / Lassen / California.

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

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

DATED: 4-13-22

Cody 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

Central Hotel Trust
1331 E. 7th Street.
Los Angeles, CA 90021

RE: 2440 Main Street (APN: 105-240-002-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-055

To The Central Hotel Trust and Sean Kojoori,

On August 3, 2021, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated August 3, 2021, declared a public nuisance upon the property of 2440 Main Street and ordered you to abate the nuisance by August 15, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 2440 Main 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 2440 Main Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 2440 Main Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **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 2440 Main Street the following violations of the Susanville Municipal Code were noticed:

- 8.32.050 (A)(2) SMC: Nuisance – Substandard/Dangerous Building
- 8.32.050 (A)(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)(4) SMC: Property Maintenance – Deterioration porch/deck/patio, etc.
- 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 all buildings upon the premises or for the rehabilitation of any building upon the premises.
- Bring building to compliant state regarding the substandard conditions
- Mitigate any hazard with the stairs/porch/deck
- Actively work on the demolition or rehabilitation of 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 2440 Main Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summary abatement of your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

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

Respectfully,

Cody Loflin
Code Enforcement Officer
(530) 260-6099

City of Susanville

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

NOTICE OF PUBLIC HEARING

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

- 2440 Main St

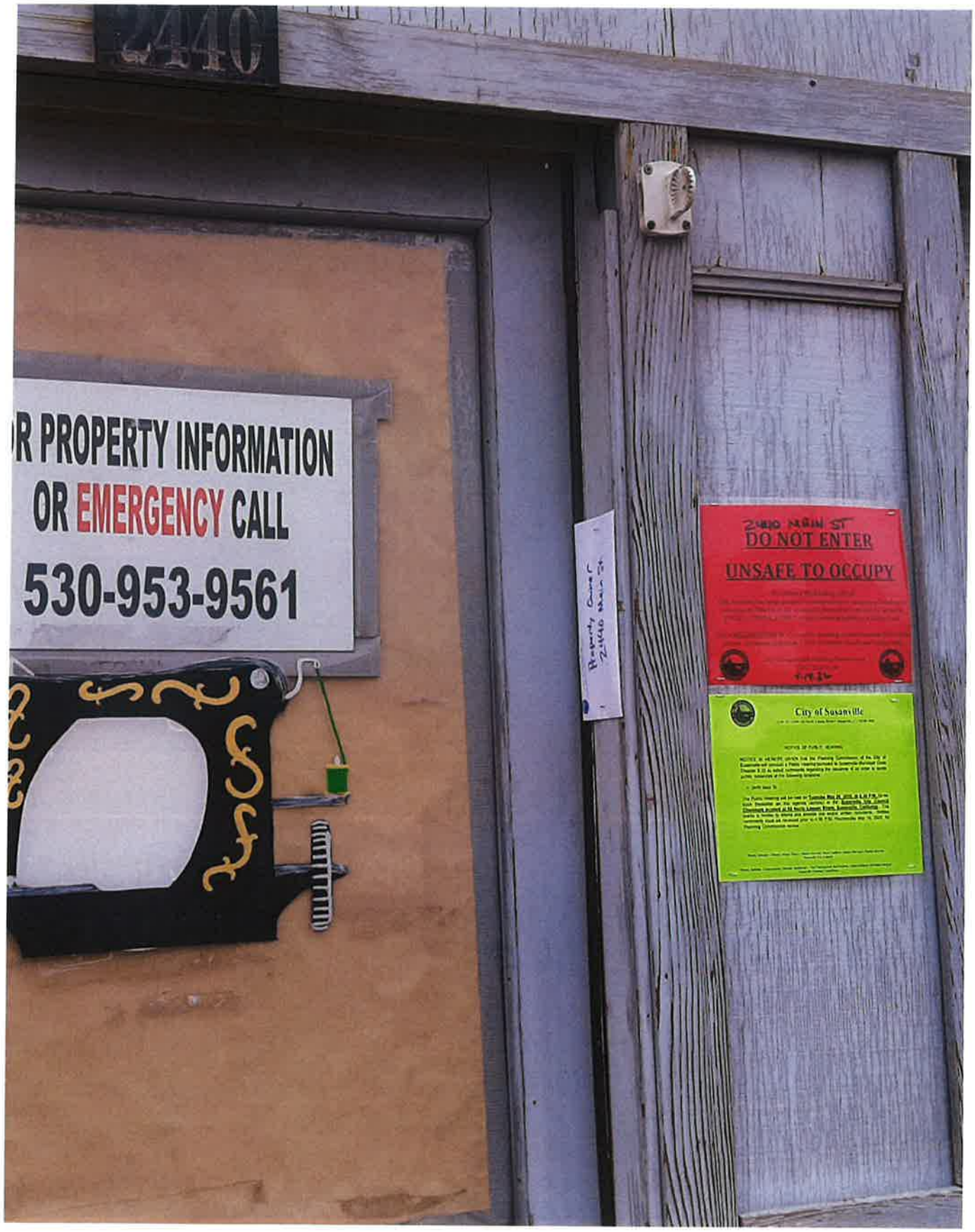
The Public Hearing will be held on **Tuesday May 24, 2022, at 6:30 P.M.** (or as soon thereafter as the agenda permits) in the **Susanville City Council Chambers located at 66 North Lassen Street, Susanville, California**. The public is invited to attend and provide oral and/or written comments. Written 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, Jerimiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE

EXHIBIT 'G'



April 14, 2022 1:31 P.M.

CITY OF SUSANVILLE

EXHIBIT 'H'

City of Susanville

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

May 18, 2022

The Law Offices of Michael Carter Smith, Esq.
12100 Wilshire Boulevard, Suite 800
Los Angeles, CA 90025

RE: Request for Extension of Public Hearing
2440 Main Street (APN: 105-240-002-000)
Susanville, CA 96130
Code Enforcement Case # CE2021-055

Dear Mr. Smith,

The City of Susanville has received and considered your request for an extension in the matter of the proposed issuance of a Nuisance Abatement Order upon the properties in control of The Central Hotel Trust and your client, Sean Kojoori. At the Tuesday May 24, 2022, Regular Meeting of the Susanville Planning Commission, staff will request the matters involving The Central Hotel Trust be continued to the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022. The continuance of the matters will accommodate the requested 45-day extension.

Please note, if the nuisance is not abated by July 2, 2022, the City of Susanville will continue to 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 July 12, 2022, at 5:30 pm or 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 2440 Main Street and determine if a Nuisance Abatement Order should be issued.

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

Respectfully,

Cody Loflin
Code Enforcement Officer
(530) 260-6099

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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:

The Law offices of Michael Carter Smith Esq,
12100 Wilshire Blvd, Ste 800
Los Angeles, CA 90025

9590 9402 4067 8079 2355 46

2. Article Number *(Transfer from service label)*

7020 1290 0000 0266 4607

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

6/1/22

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

3. Service Type

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

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

Domestic Return Receipt

CITY OF SUSANVILLE

EXHIBIT 'I'

CITY OF SUSANVILLE

EXHIBIT 'J'

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

Attorney for: Petitioner/City of Susanville

PLANNING COMMISSION
CITY OF SUSANVILLE

City of Susanville, Petitioner v Central Hotel Trust Respondent	Nuisance Abatement Order Hearing: July 12, 2022 at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

DRAFT

1. This proceeding was heard:
   a. On July 12, 2022, at 5:30 pm 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 Imbois 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 Central Hotel Trust by Certified Mail on April 13, 2022, and posted on the structure at 2440 Main Street 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 Central Hotel Trust is the owner of and responsible party for the property located at 2440 Main Street.
3. Central Hotel Trust was properly served with a Notice of Violation on August 27, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Central Hotel Trust was properly served with a Notice of Intent to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 2440 Main Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 2440 Main Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Central Hotel Trust must abate the public nuisance at 2440 Main Street by doing the following at 2440 Main Street:
    a. Shall provide the City of Susanville with a plan for the property at 2440 Main Street within forty-five (45) days from the issuance of this order.
    b. If the remaining buildings are to be demolished, the Central Hotel Trust shall secure a demolition permit within sixty (60) days from the issuance of this order, and work shall commence within ninety (90) days. The completion of the demolition shall be completed by one-hundred twenty (120) days from the issuance of this order.

DRAFT

i. Central Hotel Trust shall be aware of the weather conditions and plan for such conditions to ensure compliance with this order.

c. If the remaining buildings are to be rehabilitated, the Central Hotel Trust shall provide the City of Susanville with engineered plans with a timeline of construction events.

d. All construction work requiring permits shall be secured prior to the commencement of any permittable job.

e. All property maintenance violations shall be addressed to satisfaction of the City of Susanville.

2. Central Hotel Trust must fully abate this public nuisance.

3. Central Hotel Trust must obtain any and all required permits that may be required to abate the public nuisance at 2440 Main Street.

4. After Central Hotel Trust abates the nuisance at 2440 Main Street, Central Hotel Trust must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 2440 Main Street to determine if the public nuisance was abated.

5. If Central Hotel Trust does not comply with this order for 2440 Main Street by 11:59 pm on September [illegible], 2022, the City of Susanville may have the property at 2440 Main Street abated.

6. If Central Hotel Trust do not comply with this order an administrative penalty pursuant to section 8.32[illegible]0 of the City of Susanville Municipal Code shall be assessed as followed:

   a. Assessment of $500.00 per day until the nuisance abatement has been complied with.

   b. Effective from July 12, 2022

   c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.

   d. Assessment Penalty shall be due by 4:30 pm on November 1, 2022.

DRAFT

7. 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 Central Hotel Trust as a personal debt or may be assessed upon 2440 Main Street and will constitute a lien or special assessment upon the property until paid.

8. This Order shall be effective for one year 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 this 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 8.32.080 of the City of Susanville Municipal Code. If Central Hotel Trust 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 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

Dated: _____

_____

Wayne Jambois, Chairperson

Susanville Planning Commission

DRAFT

RESOLUTION NO. 22-1107
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 2440 MAIN STREET

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

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

WHEREAS, the conditions of real property upon the lands of 2440 Main Street have been declared to be a substandard building and with conditions that constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

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

A. The condition of real property upon the lands of 2440 Main Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
B. The Central Hotel Trust is the owner of record for the property of 2440 Main Street.
C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 2440 Main Street subject to the terms, agreements, and conditions as follows:

1. Shall provide the City of Susanville with a plan for the property within forty-five (45) days from the issuance of the Nuisance Abatement Order.
2. If the remaining buildings are to be demolished, then The Central Hotel Trust shall secure a demolition permit within sixty (60) days from the issuance of this order, and work shall commence within ninety (90) days. The completion of the demolition shall be completed by one-hundred twenty (120) days from the issuance of this order.
3. If the remaining buildings are to be rehabilitated, then The Central Hotel Trust shall provide the City of Susanville with engineered plans and a timeline of construction events.
4. All construction work requiring permits shall be secured prior to the commencement of any permittable job.
5. All property maintenance violations shall be addressed to satisfaction of the City of Susanville
6. Failure to abate the public nuisance, the property owner shall be assessed a

daily civil penalty in the amount of $500 per day and shall be assessed from the date of the issuance of this Nuisance Abatement Order, July 12, 2022; and

7. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.
8. 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. 22-1107 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of July 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 4.B
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: July 12, 2022

SUBJECT: Continue discussion from May 24, 2022 to 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: The former site of the Lassen Community Hospital located at 560 Hospital Lane is a 9-acre site which use to house the community hospital, medical office buildings, air ambulance services and storage buildings. The Lassen Community Hospital closed this site in May 2003 as the new Banner Lassen Medical Center was opening off of Spring Ridge Drive. Since the closure of the Lassen Community Hospital, there has been no sustained use of the property. The property has suffered from 19-years of general neglect and upkeep while being subject to trespassing, theft, vandalism, and arson.

The City of Susanville began its most recent attempt to gain compliance with our Municipal Code beginning in June 2020. Compliance letters and requests were provided to the Central Hotel Trust requesting the adherence to our Codes. A chain link fence was installed on the property, but the site remained in its blighted condition. In December 2020 a structure fire completely destroyed the building that in the latter years was known as the "Annex Building." In August 2021, a letter was sent to the Central Hotel Trust requesting the abatement of the fire damaged building. A demolition permit would be issued in October 2021. It was not until notices were issued for this matter that the building is finally being addressed and being demolished.

The demolition of this one building will not bring the property into compliance as the old hospital and the storage buildings still remain. The old hospital building is exposed to the elements as every window has been broken and every door has either been removed or was open during the last site inspection in April 2022.

A declaration of a public nuisance pursuant to the provisions outlined in Chapter 8.32, Chapter 8.52 and Chapter 15.10 of the Susanville

Municipal have been satisfied. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances in the City of Susanville. The City of Susanville is seeking the issuance of 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. Code Enforcement will be following Chapter 8.32 as this chapter provides the framework for the abatement of public nuisances that exist within the city limits.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution No. 22-1108 approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane, the former site of the Lassen Community Hospital

ATTACHMENTS:

Nuisance Abatement Order Staff Report - 560 Hospital Lane.docx
Exhibit List 560 Hospital Ln.pdf
Resolution 22-1108.docx

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
July 12, 2022

FILE NUMBER	CE#2020-006
PROPERTY OWNER	Central Hotel Trust
REQUEST	Issuance of a Nuisance Abatement Order and authorization for issuance of Civil Penalties
ASSESSOR'S PARCEL NO.	107-260-053-000
PARCEL SIZE	Approximately 9.0 Acres
LOCATION	560 Hospital Lane
EXISTING ZONING	C-O (Commercial Office)

		ZONING	LAND USE
SURROUNDING ZONING AND LAND USE	**North**	PF	Public Facility – Behavioral Health
	South	R-1	Residential
	East	PF	Public Facility – Diamond View School
	West	PF	Public Facility – South St. Access Road to Old City Dump Facility

GENERAL PLAN DESIGNATION	Commercial Office
ENVIRONMENTAL DETERMINATION	Not Applicable: Not a "project" and not subject to CEQA review.

BACKGROUND:

The former site of the Lassen Community Hospital located at 560 Hospital Lane is a 9-acre site which use to house the community hospital, medical office buildings, air ambulance services and storage buildings. The Lassen Community Hospital closed this site in May 2003 as the new Banner Lassen Medical Center was opening at its Spring Ridge Drive. Since the closure of the Lassen Community Hospital, there has been no sustained use of the property. The property has suffered from 19-years of general neglect and upkeep while being subject to trespassing, theft, vandalism, and arson.

The City of Susanville began its most recent attempt to gain compliance with our Municipal Code beginning in June 2020. Compliance letters and requests were provided to the Central Hotel Trust

requesting the adherence to our Codes. A chain link fence was installed on the property, but the site remained in its blighted condition.

In December 2020 the building that was known in the latter history of the site as the "Annex Building," suffered major damage due to a structure fire. There was no response by the property owner to repair or demolish this building. In August 2021, a letter was sent by the City Planner to request compliance with the building. A demolition permit was secured in October 2021, but no action had been taken. The demolition of this fire damaged building did commence in June 2022 and is currently on-going.

A site visit was conducted in January 2022 by Code Enforcement. The site visit observed that every building had been breached and was compromised. The fire damaged structure as noted above from December 2020, remained and at that time had no progress to clean up the damage caused by the fire. The graffiti on the buildings and the retention wall at the southwest corner of the property was prolific with many references to illicit substances, sex and gang paraphernalia.

A site visit was conducted in April 2022 when the public notices were first issued. There was more evidence of continued illegal activity, and the site was becoming more hazardous. The manholes were uncovered which posed a serious threat to first responders if they needed to respond to the area for any reason.

TIMELINE:

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

- June 8, 2020, "Public Nuisance and Safety Hazard" Letter issued by Kelly Mumper, City Planner
- July 7, 2020, "Public Nuisance and Safety Hazard" Letter issued by Kelly Mumper, City Planner
- December 16, 2020, a letter was sent regarding a fire damaged structure by Kelly Mumper, City Planner
- August 27, 2021, a letter was sent regarding the entirety of the property by Kelly Mumper, City Planner
- April 13, 2022, a Notice of Intention to Abate Public Nuisance & Notice of Public Hearing issued by Cody Loflin, Code Enforcement Officer.

ANALYSIS:

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

- This building was declared to be a substandard building pursuant to the California Health & Safety Code, specifically § 17920.3.

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.

- A dangerous building is defined as such based on the provisions of the California Building Code and 1997 Uniform Code for the Abatement of Dangerous Buildings or within the definition of a substandard building under the provisions of the California Building Code.
- Buildings have been declared a substandard building and therefore classified as a dangerous building.
- All dangerous buildings are declared to be a public nuisance pursuant to § 15.10.050 SMC.

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)(3) SMC: A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.
- 8.32.050(A)(4) SMC: The maintaining of a neglected vacant building as defined in Chapter 5.09 of this code.
- 8.32.050(A)(5) SMC: Dangerous buildings as defined and regulated in Chapter 15.10 of

this code.

- 8.32.050 (C)(1) SMC: An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties.
- 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 shed exempt from obtaining a building permit, which are subject to any of the following conditions: Faulty weather protection, including, but not limited to, crumbling, cracked, damaged, missing, broken, or loose exterior plaster, siding of any kind, roofs, foundations, or floors. Broken, damaged or missing windows or doors. Painted or unpainted surfaces suffering form dry rot, warping or termite infestation.
- 8.52.030(A)(2) SMC: Building or structure 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.
- 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 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 properties.

- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Overgrown, dead, or hazardous vegetation
- 8.52.030(D) SMC: Attractive nuisances.
- 8.52.030(E) SMC: Trash/Rubbish/Debris and abandoned personal affects
- 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 owner to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS:

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

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

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance into Sections	
B	**Ordinance No. 17-1011** Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table	
D	ParcelQuest Property Information Property Address: 560 Hospital Lane Name of Property Owner: Central Hotel Trust	
E	Notification of Nuisance dated August 27, 2021	
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 560 Hospital Lane	
H	Miscellaneous Documents	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE

EXHIBIT 'A'

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	**Notification of Nuisance** 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given **no less than 10 days** (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	Voluntary Abatement 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.		
	Administrative Citation or **Nuisance Abatement Process** 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	**Notice of Intent to Abate and Notice of Public Hearing**	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	

	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	**Nuisance Abatement Hearing** 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.		
4	**Decision of Planning Commission** 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development 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.		
5	Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins 1. Within 5 days of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. Service must be by 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	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'

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:

A. A fine not exceeding one hundred dollars ($100.00) for a first violation;

B. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance, term, or condition within one year from the date of the first violation, or $500 for a second violation of a building or safety code within one year from the date of the first violation;

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

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

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

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

1.12.020 Recovery of attorneys' fees and costs.

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

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

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

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

10.22.030 Definitions.

As used in this chapter:

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

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

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

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

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

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

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

Chapter 8.32 Administrative Nuisance Abatement

8.32.010 Purpose.

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

8.32.020 Applicability.

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

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

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

8.32.030 Definitions.

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

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

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

8.32.040 Public nuisance prohibited.

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

8.32.050 Public nuisance defined.

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

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

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

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

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

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

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

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

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

2. A failing private sewage disposal system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

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, 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.

8.32.100 Right of entry procedures

A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever there is reasonable cause to believe that there exists a violation of any provision of such ordinance, resolution or code in any building, or upon any premises, or whenever any enforcement official of the city has reasonable cause to believe that any building or premises is 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:

1. If the building or premises is occupied, the enforcement official shall first present to 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;

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

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;

(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.

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

8.32.120 Hearing board - public hearing

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 Decision of the hearing board

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.

(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.

8.32.150 Notice of unlawful detainer proceeding.

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

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

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

8.32.160 Grievance with final order- Appeal

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

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

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

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

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

The city finance manager, the enforcement official or such other city official as may be designated shall keep an account of all costs incurred by the city in abating nuisances on each separate lot or parcel of land where the work is done and shall render a written itemized report to the city council. Costs shall include the expense of abating such nuisance and shall be itemized showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation, demolition or removal of said premises, building or structures, including any salvage value relating thereto and any incidental expenses; provided that before said report is submitted to said city council, a copy of the same shall be posted for at least ten (10) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation; a copy of said report and notice shall be served upon the owners of said property, in accordance 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

resolution shall provide for collection of the assessment in the event of nonpayment either by recordation of the council resolution in the manner provided for by section 38773.1 of the 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.

8.32.220 Service for resolution of assessment costs

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:

A. If the council resolution levying the assessment provides for collection of the assessment by recordation of the resolution against the property upon which city abatement work was performed, the enforcement official shall cause a copy of the resolution to be served on the owner of such property in the same manner as required by law for the service of a summons in a civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure (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.

B. If the council resolution levying the assessment provides for collection of the assessment by inclusion of the assessment on the county tax rolls, the director shall cause a certified copy of the resolution to be served on the owner of the property by certified mail, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that 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.

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

Where the council has adopted a resolution levying an assessment for city abatement costs and has provided in such resolution for the collection of such abatement costs by recording the resolution against the property on which the city abatement work was performed, the director, promptly after completing service of the council resolution in the manner hereinbefore required by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy 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.

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

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

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

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

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

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

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

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

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

8.32.280 Summary nuisance abatement.

(A) Notwithstanding any provisions of this chapter to the contrary, whenever the enforcement official determines that a public nuisance is so imminently dangerous to life or 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

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

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

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

C. Penalties imposed by the 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.

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

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

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

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

8.32.300 Violations.

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.

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.

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.

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.

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;

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

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 of entitlements or permits enacted or approved pursuant to the police power;

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

8.40.020 Definitions.

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.

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

8.40.030 Administrative citation.

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.

8.40.040 Contents of Administrative Citation.

Each administrative citation shall contain the following information:

A. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;

B. The address or a definite description of the location where the violation occurred or is occurring;

C. The section of this code violated and a description of the violation;

D. The amount of the administrative fine for the code violation;

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;

F. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;

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

H. The name and signature of the citing enforcement official.

8.40.050 Service of administrative citations and other notices.

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 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 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.

8.40.060 Notice of violation - Generally.

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 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:

A. The date and location that the violation was observed;

B. The section of this code violated and a description of the violation;

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.

8.40.070 Notice of violation - Exceptions.

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

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

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

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

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

8.40.080 Correction of violation.

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

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.

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.

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.

8.40.120 Hearing Board.

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

8.40.130 Hearing procedure.

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.

B. A hearing before the hearing board officer shall be set for a date that is not less 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.

C. At the hearing, the administrative citation and any written report submitted by the 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 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.

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

8.40.140 Hearing board's decision and city council review.

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

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

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

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

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

8.40.150 Delinquent administrative fines – late payment charges and interest.

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

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.

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

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

Chapter 8.52 Property Maintenance

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

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

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

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

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

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

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;

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.

Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any enforcement official as designated by the City Administrator to enforce the codes of the City determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or 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.

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

Chapter 15.09 – Neglected vacant buildings

15.09.010 – Findings and purpose

The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants and transients and invite criminal activity, the dumping of trash and garbage and unauthorized occupation. The use of vacant buildings by transients, who may employ primitive cooking or 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.

The City Council also finds that because of the potential economic and public health, safety and welfare problems caused by vacant buildings, the city needs to monitor vacant buildings so that they do not become attractive nuisances, are not used by vagrants or trespassers, are properly secured and maintained, and do not become a blighting influence in the 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.

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

15.09.020 – Remedies for violation.

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

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

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

15.09.030 - Vacant and neglected vacant building.

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

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

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or
3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:
a. Maintenance of landscaping and plant materials in good condition;
b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;
c. Regular removal of all exterior trash, debris and graffiti;
d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;
e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;
4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

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

15.09.050 - Structural and building standards.

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

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

15.09.060 - Fire safety standards.

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

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

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

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

15.09.07 - Security standards.

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

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

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

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

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

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

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

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

5. The property owner shall obtain a building permit for work dune 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 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.

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

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

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

15.10.010 Definition.

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

15.10.020 Abatement—Informal procedures authorized.

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

15.10.030 Abatement—Costs.

The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under 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

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

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

Gwenna MacDonald/City Clerk

APPROVED AS TO FORM:

Jessica Ryan, City Attorney

CITY OF SUSANVILLE

EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	**Notification of Nuisance** 1. Manner Served: **FIRST CLASS MAIL** 2. Served On: **CENTRAL HOTEL TRUST** 3. Date of Service: **AUGUST 27, 2021** 4. Compliance Deadline Stated in Notice: **SEPTEMBER 26, 2021**	**10**				
2	**Notice of Intent to Abate and Notice of Public Hearing** 1. Manner Served: Service by mail on property and property owner and service by posting at property 2. Person/People Served on: **APRIL 13, 2022** 3. Compliance Deadline Stated in Notice (abatement period expiration date): **MAY 1, 2022** 4. Date of Public Hearing (must be at least 10 days after abatement period expires): **MAY 12, 2022** 5. Date Notice Posted at Property: **APRIL 14, 2022** 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: **APRIL 14, 2022**	**20**				
3	**Nuisance Abatement Hearing** 1. Date of Hearing: **MAY 12, 2022** 2. Time of Hearing: 6:30 pm 3. Location of Hearing: City Council Chambers 4. Rescheduled Date of Hearing: **JULY 12, 2022** 5. Time of Hearing: 5:30 pm 6. Location of Hearing: City Council Chambers					
4	**Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance** 1. Planning Commission decides if a public nuisance exits or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	**5**				
5	**Appeal Abatement Order** 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: Owner's Name: Phone No.: Tenant ☐Yes or ☐No

CITY OF SUSANVILLE

EXHIBIT 'D'

PARCELQUEST
LIST 1
DETAIL

☑ 1 Property Address: 560 HOSPITAL LN

Ownership

County:	**LASSEN, CA**
Assessor:	**NICK CEAGLIO, ASSESSOR**
Parcel # (APN):	**107-260-53-11**
Parcel Status:	**ACTIVE**
Owner Name:	**CENTRAL HOTEL TRUST**
Mailing Address:	**1331 E 7TH ST LOS ANGELES CA 90021**
Legal Description:	**OLD HOSPITAL OLD APN 107-260-25-11**

Assessment

Total Value:	**$88,309**	Use Code:	**YDXX**	Use Type:	**MISCELLANEOUS**
Land Value:	**$55,194**	Tax Rate Area:	**001-004**	Zoning:	
Impr Value:	**$33,115**	Year Assd:	**2019**	Census Tract:	
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	**37%**	Delinquent Yr:			
Exempt Amt:		HO Exempt:	**N**		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	**05/22/2013**	**03/11/2009**	**03/17/2006**	**05/22/2013**
Document Number:	**2013-02634**	**2009-01194**	**2006-02410**	**2013-02634**
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:		Fireplace:	Units:	**1**
Baths (Full):		A/C:	Stories:	**1.0**
Baths (Half):		Heating:	Quality:	**7.0**
Total Rooms:		Pool:	Building Class:	**D**
Bldg/Liv Area:		Park Type:	Condition:	
Lot Acres:	**9.000**	Spaces:	Site Influence:	
Lot SqFt:	**392,040**	Garage SqFt:	Timber Preserve:	
Year Built:			Ag Preserve:	
Effective Year:				

CITY OF SUSANVILLE

EXHIBIT 'E'

City of Susanville

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

August 27, 2021

Central Hotel Trust
1331 E. 7th St.
Los Angeles, CA 90021

RE: 560 Hospital Lane-Fire Damage, Public Nuisance, and Safety Hazard
APN: 107-260-53-11

To who it may concern;

This letter is to remind you that the buildings you own at the above-mentioned address are still a public nuisance and public safety hazard. Due to the fire that happened the morning of December 13, 2020, the **entire property** still needs to be secured with a fence of chain link or solid construction of at least 6 feet in height. The work that has been done regarding the chain link fence has not kept transients or trespassers out and is already in disrepair. The City of Susanville is still considering your buildings on the subject property, "Dangerous Buildings" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

> "The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings and administrative fines on the subject property in order to secure it and clean up the building destroyed by fire. You have **30 days** upon receipt of this letter to either apply for a demolition permit for the burned building or provide a contract from a licensed contractor in the State of California as to when the burned building is to be removed. If we do not receive said contract or a demolition permit from you within the stated time frame, a Notice of Violation will be issued. Pursuant to Susanville Municipal Code Chapter 8.40.300 and Chapter 1.12.010, fines for the first day of non-compliance are $100.00. Fines for a second violation are $200.00 and fines for a third are $500.00 and shall continue to accrue until the violation has been rectified. Each day that the violation remains constitutes a new finable violation.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra

If you have questions regarding this letter, please contact Kelly Mumper, City Planner at (530) 252-5104 or Building Inspector, Dow Davis at (530) 310-0301.

Respectfully,

Kelly Mumper

Kelly Mumper, City Planner/Code Enforcement Officer

CITY OF SUSANVILLE

EXHIBIT 'F'

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

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

Notice of Intention to Abate + Public Hearing

(Name of documents being served)

to the following parties:

NAME AND ADDRESS OF OTHER PARTY(S) SERVED

Central Hotel Trust
1331 E. 7th St.
Los Angeles CA
90021

[X] (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.

[X] (By Physical Posting) I posted an original or copy of the original document or letter in a conspicuous location on the property at 560 Hospital Lane / Susanville / Lassen / California

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

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

DATED: 4-13-22

Cody Loflin
Printed Name of Person Serving Documents

Cody Loflin
Signature of Person Serving Documents

City of Susanville

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

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

(Susanville Municipal Code § 8.32.090)

April 13, 2022

Central Hotel Trust
1331 E. 7th Street.
Los Angeles, CA 90021

RE: 560 Hospital Lane (APN: 107-260-053-000)
Susanville, CA 96130
Code Enforcement Case # CE2020-006

To The Central Hotel Trust and Sean Kojoori,

On August 27, 2021, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060. The Notice of Violation dated August 27, 2021, declared a public nuisance upon the property of 560 Hospital Lane and ordered you to abate the nuisance by September 26, 2021.

This letter dated April 13, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 560 Hospital Lane 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 560 Hospital Lane and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 560 Hospital Lane, 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 560 Hospital Lane the following violations of the Susanville Municipal Code were noticed:

- 8.32.050 (A)(2) SMC: Nuisance – Substandard/Dangerous Building
- 8.32.050 (A)(3) SMC: Maintain Building violating fire codes
- 8.32.050 (A)(4) SMC: Maintain Neglected Vacant Bldg. pursuant to Ch. 15.09 SMC
- 8.32.050 (A)(5) SMC: Maintain Dangerous Bldg. pursuant to Ch. 15.10 SMC
- 8.32.050 (C)(1) SMC: Accumulation of Junk/Debris
- 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
- 8.32.050 (F) SMC: Nuisance Activity Observed
    - (1) Disturbing the Peace
    - (2) Illegal Drug Activity
    - (3) Public Drunkenness
    - (11) Acts of Vandalism
    - (14) Loitering
    - (15) Any other acts – i.e., Trespassing, Illegal Dumping
- 8.52.030 (A)(1) SMC: Property Maintenance – Doors/Windows/Siding, etc.
- 8.52.030 (A)(2) SMC: Property Maintenance – Demo permit about to expire
- 8.52.030 (A)(3) SMC: Property Maintenance – Fences/Walls – Hazards
- 8.52.030 (A)(4) SMC: Property Maintenance – Deterioration porch/deck/patio, etc.
- 8.52.030 (A)(5) SMC: Property Maintenance – Defective shed, etc.
- 8.52.030 (A)(6) SMC: Property Maintenance – Litter/Trash inside buildings
- 8.52.030 (B)(1) SMC: Property Maintenance – Overgrown vegetation
- 8.52.030 (B)(2) SMC: Property Maintenance – Dead vegetation
- 8.52.030 (D) SMC: Property Maintenance – Attractive Nuisance
- 8.52.030 (E) SMC: Property Maintenance – Trash/Furnishings/Debris, etc.
- 8.52.030 (I) SMC: Property Maintenance – Permit Graffiti
- 8.52.030 (M) SMC: Property Maintenance – Detrimental to public health/welfare/safety

Actions to Correct Violations

- Contact the City of Susanville Building Division to obtain all permits necessary for the demolition of all buildings upon the premises or for the rehabilitation of any building upon the premises.
- Screen property from public view
- Actively work on the demolition of the fire damaged building
- Actively work on the demolition or rehabilitation of any other building
- Clear property of trash and all other debris
- Remove any dead or overgrown vegetation from the property
- Correct any other violations of the Susanville Municipal Code and California State Law
- Have no other violations of the Susanville Municipal Code in a 12-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **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 560 Hospital Lane 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:

- 560 Hospital Lane

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, Jerimiah Sturgeon
Susanville Planning Commission

CITY OF SUSANVILLE

EXHIBIT 'G'

APRIL 14, 2022 5:36 P.M.

APRIL 14, 2022 5:37 P.M.

CITY OF SUSANVILLE

EXHIBIT 'H'

City of Susanville

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

June 8, 2020

Central Hotel Trust
1331 E. 7th St.
Los Angeles, CA 90021

RE: 560 Hospital Lane Public Nuisance and Safety Hazard
APN: 107-260-53-11

To who it may concern;

This letter is to inform you that the buildings you own at the above-mentioned address are currently a public nuisance and public safety hazard. Specifically, the rear of the property needs to be secured with a fence of chain link or solid construction of at least 6 feet in height. Any windows that are missing plywood or particle board need to be replaced, and sections of the existing fence have been damaged and are no longer effective. Photos have been provided with this letter for your reference. The City of Susanville is considering your buildings on the subject property, "Dangerous Buildings" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

> "The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. You have 30 days upon receipt of this letter to rectify the stated issues above. If no action is taken by you during said time period, the City of Susanville will begin abatement proceedings against your property to ensure that it is properly secured. If you have questions regarding this letter, please contact Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra

City of Susanville

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

July 7, 2020

Central Hotel Trust
1331 E. 7th St.
Los Angeles, CA 90021

RE: 560 Hospital Lane Public Nuisance and Safety Hazard
APN: 107-260-53-11

To who it may concern;

This letter is in response to your letter dated July 7, 2020, regarding a request for extension to re secure the above-mentioned property. This department understands that due to the current circumstances, it may be difficult to achieve compliance and therefore, has granted a 30-day extension. Your request to extend through September 1, 2020, is denied. Compliance shall be achieved by no later than August 8, 2020, or administrative penalties will be applied, daily. The City of Susanville is considering your buildings on the subject property, "Dangerous Buildings" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

> "The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. You have 30 days upon receipt of this letter to rectify the stated issues above. If no action is taken by you during said time period, the City of Susanville will begin abatement proceedings against your property to ensure that it is properly secured. If you have questions regarding this letter, please contact Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper

Kelly Mumper, City Planner/Code Enforcement

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra

CENTRAL HOTEL TRUST
1331 E. 7TH STREET
LOS ANGELES, CA 90012
(213) 321-9838

seankojoori@hotmail.com

RECEIVED
JUL 0 6
BY: .....

July 7, 2020

RECEIVED
JUL 0 7
BY: KM

Via Email
kmumper@cityofsusanville.org

Kelly Mumper, City Planner
City of Susanville
66 North Lassen Street
Susanville, CA 96130-3904

Re: Public Nuisance and Safety Hazard
560 Hospital Lane
APN: 107-260-53-11

Dear Mr. Mumper:

On June 15, 2020, I received your correspondence dated June 8, 2020 regarding the referenced property owned by the Central Hotel Trust.

I intend to rectify the issues stated in your letter concerning the need for a fence at least 6 feet in height at the rear of the property; repair of damaged sections of the existing fence; and replacement of plywood or particle board covering the windows.

However, due to my age (73) and high blood pressure, I have a higher risk of severe illness if exposed to Covid-19. Furthermore, traveling between Los Angeles and Susanville is hazardous due to the pandemic. Accordingly, I request an extension to resolve the abatement issues, up to and including September 1, 2020.

Your prompt response via email will be appreciated.

Sincerely,

Sean Kojoori

Sean Kojoori
Trustee

City of Susanville

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

December 16, 2020

Central Hotel Trust
1331 E. 7th St.
Los Angeles, CA 90021

RE: 560 Hospital Lane-Fire Damage, Public Nuisance, and Safety Hazard
APN: 107-260-53-11

To who it may concern;

This letter is to remind you that the buildings you own at the above-mentioned address are still a public nuisance and public safety hazard. Due to a recent fire that happened the morning of December 13, 2020, the need to secure the subject property is more urgent than before. Specifically, the **entire property** needs to be secured with a fence of chain link or solid construction of at least 6 feet in height. The ranch style fencing that was installed on the eastern edge of the property will not suffice. Any windows or doors (on the remaining buildings) that are missing plywood or particle board need to be replaced. Photos have been provided with this letter for your reference. The City of Susanville is considering your buildings on the subject property, "Dangerous Buildings" pursuant to the City of Susanville Municipal Code, Section 15.10.010. Specifically, Section 15.10.030 of the City of Susanville Municipal Code states the following regarding abatement costs:

> "The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under Sections 8.32.200 through 8.32.230 et seq., of the city of Susanville Municipal Code as may be amended from time to time. (Ord. 17-1011 § 7, 2017)."

Your cooperation is important so that the City of Susanville will not have to pursue abatement proceedings on the subject property in order to secure it. You have 10 days upon receipt of this letter to resume securing the property with an acceptable perimeter fence. If no action is taken by you during said time period, the City of Susanville will begin abatement proceedings against your property to ensure that it is properly secured. Once you have secured the property, the City of Susanville will require a Demolition Permit for the building that was destroyed by the fire.

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra

If you have questions regarding this letter, please contact Kelly Mumper, City Planner at (530) 252-5104 or Building Inspector, Dow Davis at (530) 310-0301.

Respectfully,

Kelly Mumper

Kelly Mumper, City Planner/Code Enforcement

CENTRAL HOTEL TRUST
1331 E. 7TH STREET
LOS ANGELES, CA 90012
(213) 321-9838
seankojoori@hotmail.com

RECEIVED
JAN 04 2021
BY: KM

January 4, 2021

Via Email
kmumper@cityofsusanville.org

Kelly Mumper, City Planner
City of Susanville
66 North Lassen Street
Susanville, CA 96130-3904

Re: 560 Hospital Lane
Fire Damage, Public Nuisance and Safety Hazard
APN: 107-260-53-11

Dear Mr. Mumper:

On December 29, 2020, we received your correspondence dated December 16, 2020 regarding the referenced property owned by the Central Hotel Trust.

On June 29, 2020, we received a notice to board up the windows which were taken by intruders, thugs, vandalizers, and trespassers. We complied and boarded up the windows again, repaired the gates, and installed a fence.

The chain-link fence that your office suggested that we install would remove approximately 3 acres from the property boundaries. We were in the process of extending the fence that we installed all the way to the end of the property lines when the fire occurred.

We have spent thousands of dollars in labor and repairs to board up the old building, repair/replace the fence and repair the gate, which were damaged, removed, and vandalized by homeless people, intruders, thugs, and criminals. It seems that the rate of crime in Susanville has steadily increased to a very high level that is mainly due to a lack of living space for the homeless people.

We are victims of crime. Nevertheless, we're going to extend the chain-link fence all the way through the forest to the very end of the property. At those steep climbing areas, it's rather difficult to jump over the fence and climb down that hill full of volcanic rocks and other obstacles. This should discourage any further criminal activity.

Due to the recent spike in Covid-19 cases and deaths, we are having difficulty hiring skilled laborers to perform the work and it may take longer than anticipated. We appreciate your patience and cooperation.

Sincerely,

Sean Kojoori, Trustee

City of Susanville

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

May 18, 2022

The Law Offices of Michael Carter Smith, Esq.
12100 Wilshire Boulevard, Suite 800
Los Angeles, CA 90025

RE: Request for Extension of Public Hearing
560 Hospital Lane (APN: 107-260-053-000)
Susanville, CA 96130
Code Enforcement Case # CE2020-006

Dear Mr. Smith,

The City of Susanville has received and considered your request for an extension in the matter of the proposed issuance of a Nuisance Abatement Order upon the properties in control of The Central Hotel Trust and your client, Sean Kojoori. At the Tuesday May 24, 2022, Regular Meeting of the Susanville Planning Commission, staff will request the matters involving The Central Hotel Trust be continued to the Regular Meeting of the Susanville Planning Commission scheduled for Tuesday July 12, 2022. The continuance of the matters will accommodate the requested 45-day extension.

Please note, if the nuisance is not abated by July 2, 2022, the City of Susanville will continue to 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 July 12, 2022, at 5:30 pm or 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 560 Hospital Lane and determine if a Nuisance Abatement Order should be issued.

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

Respectfully,

Cody Loflin
Code Enforcement Officer
(530) 260-6099

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

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:

The Law offices of Michael Carter Smith, Esq.
12100 Wilshire Blvd. Ste 800
Los Angeles CA
90025

9590 9402 4067 8079 2355 53

2. Article Number *(Transfer from service label)*

7020 1290 0000 0266 4614

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☒ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery
6/1/22

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

3. Service Type

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

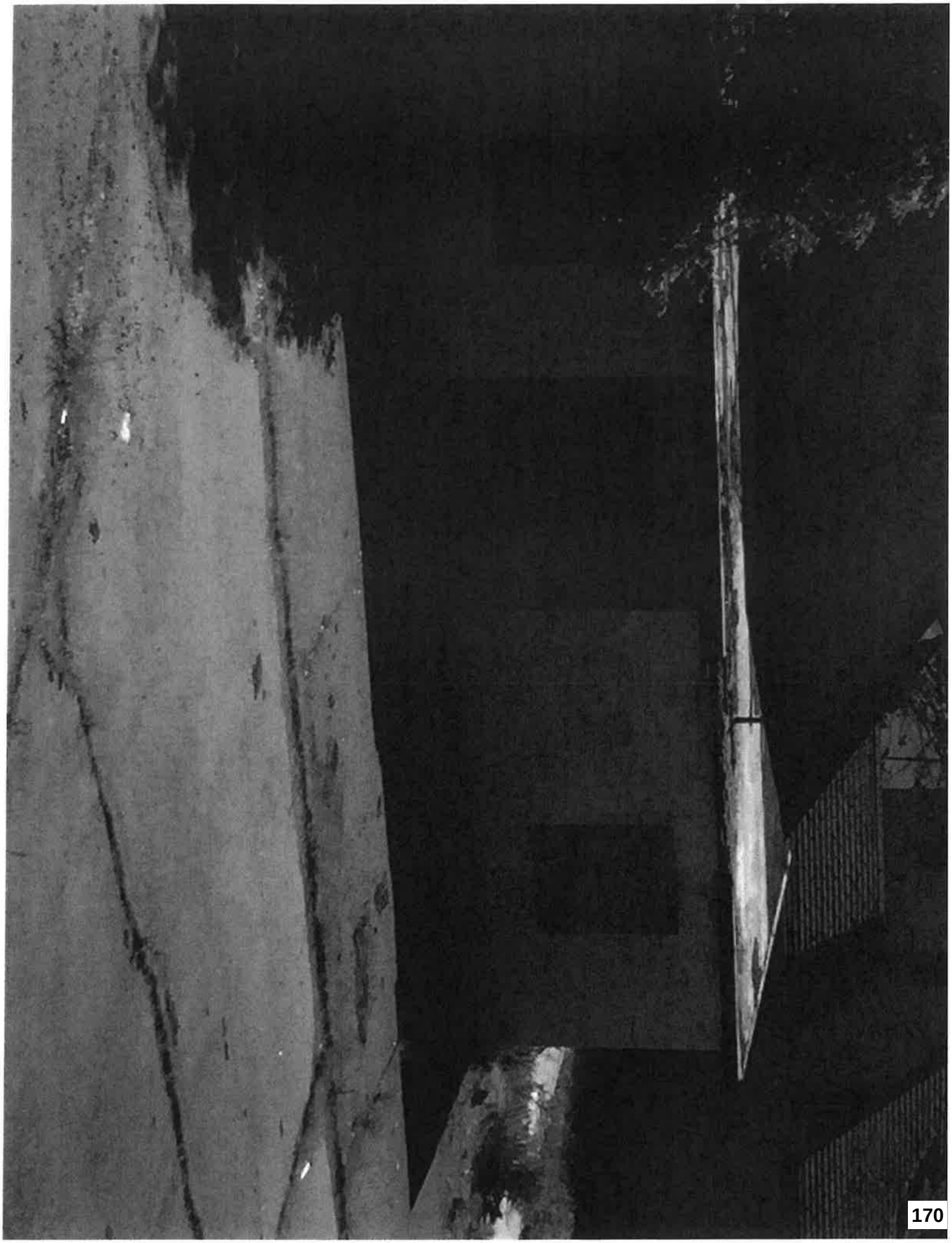
PS Form 3811, July 2015 PSN 7530-02-000-9053

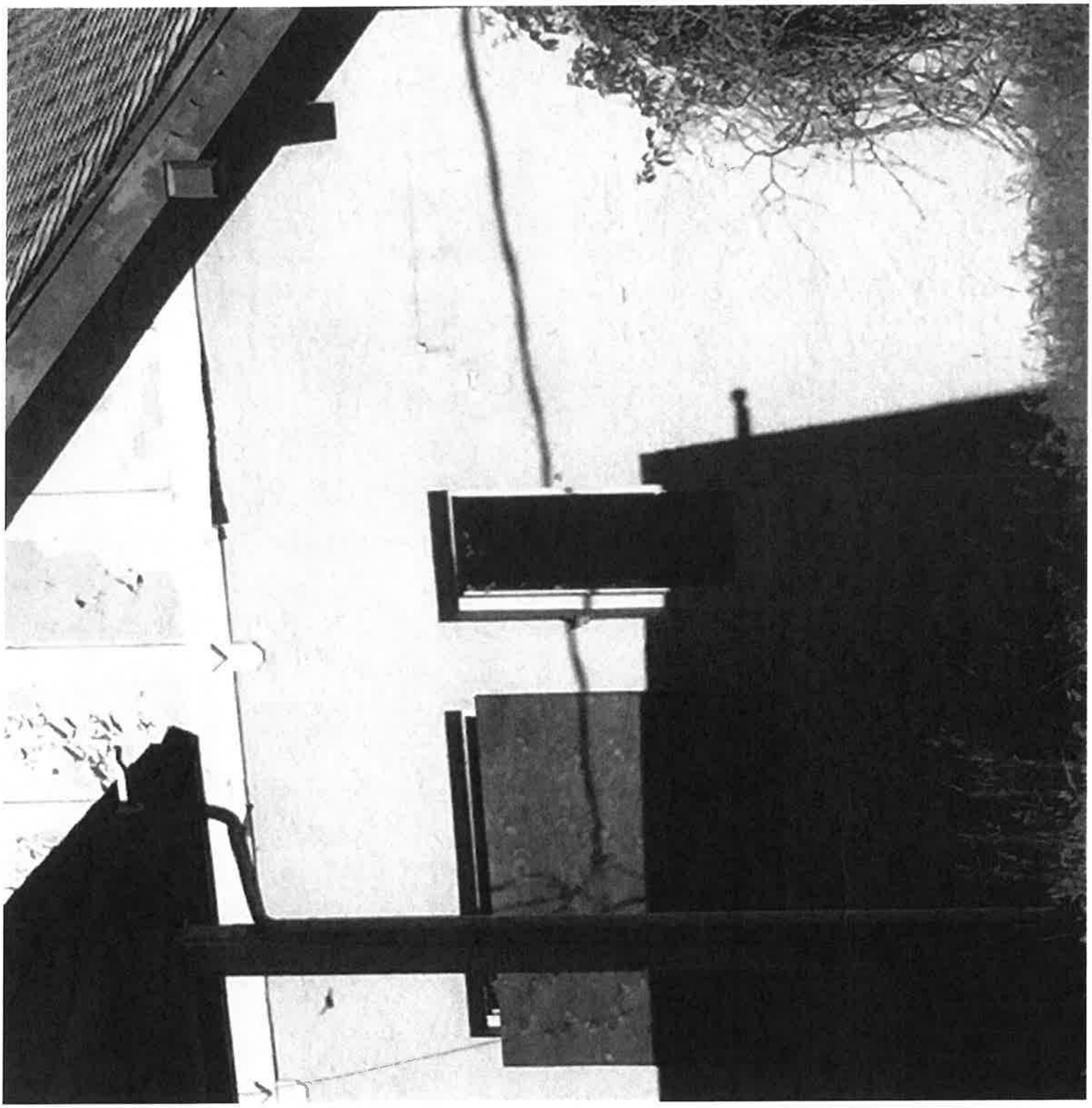
Domestic Return Receipt

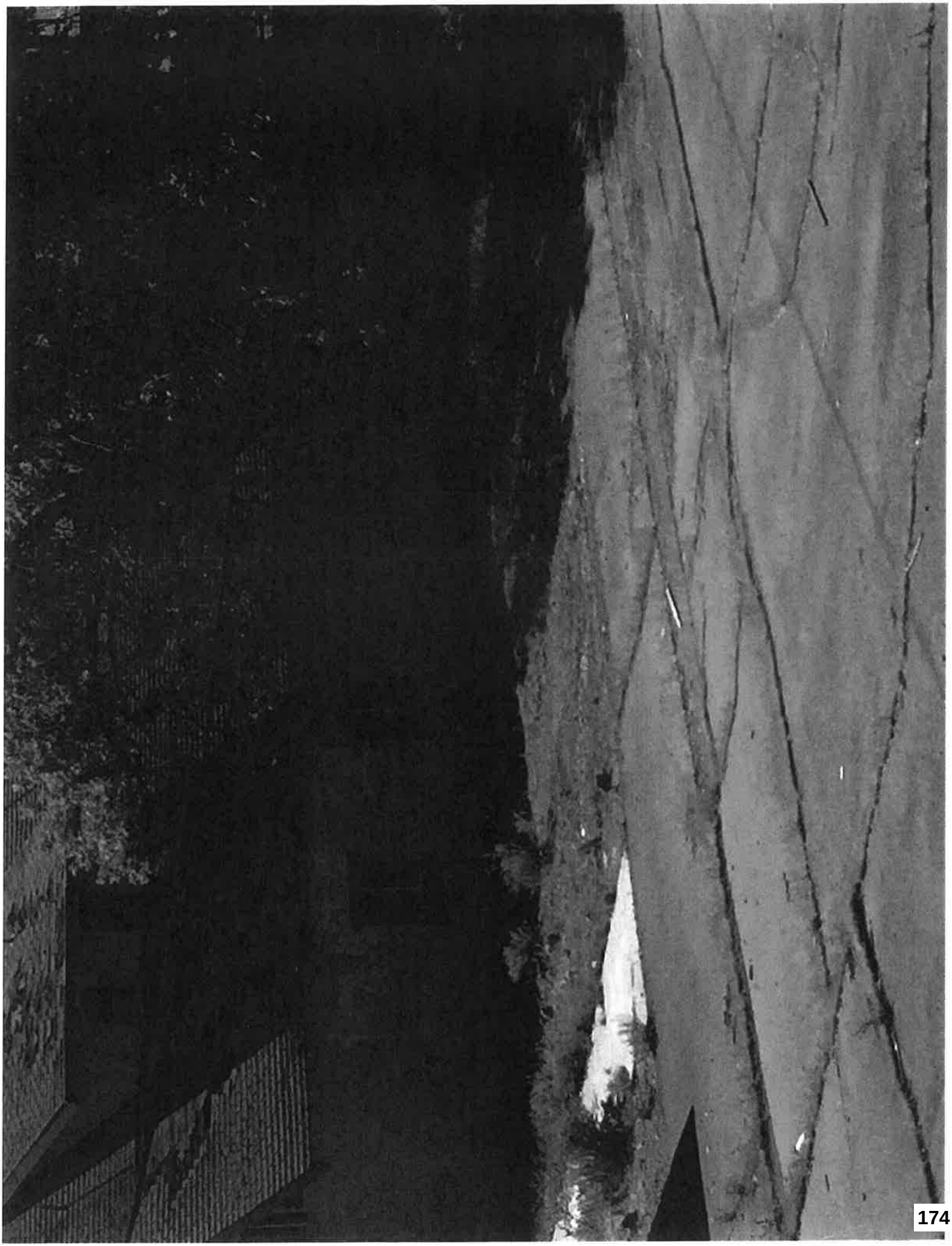
CITY OF SUSANVILLE

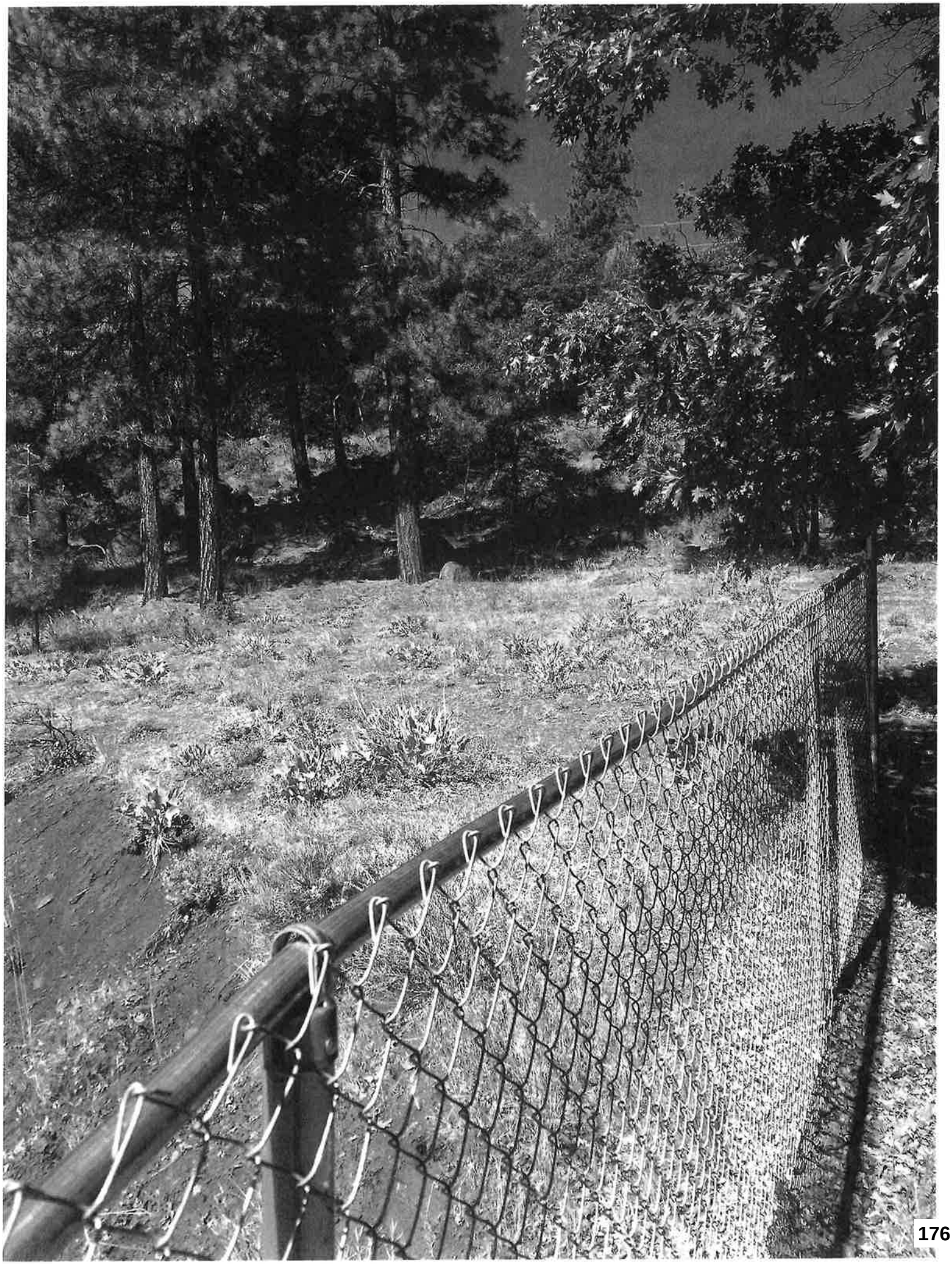
EXHIBIT 'I'

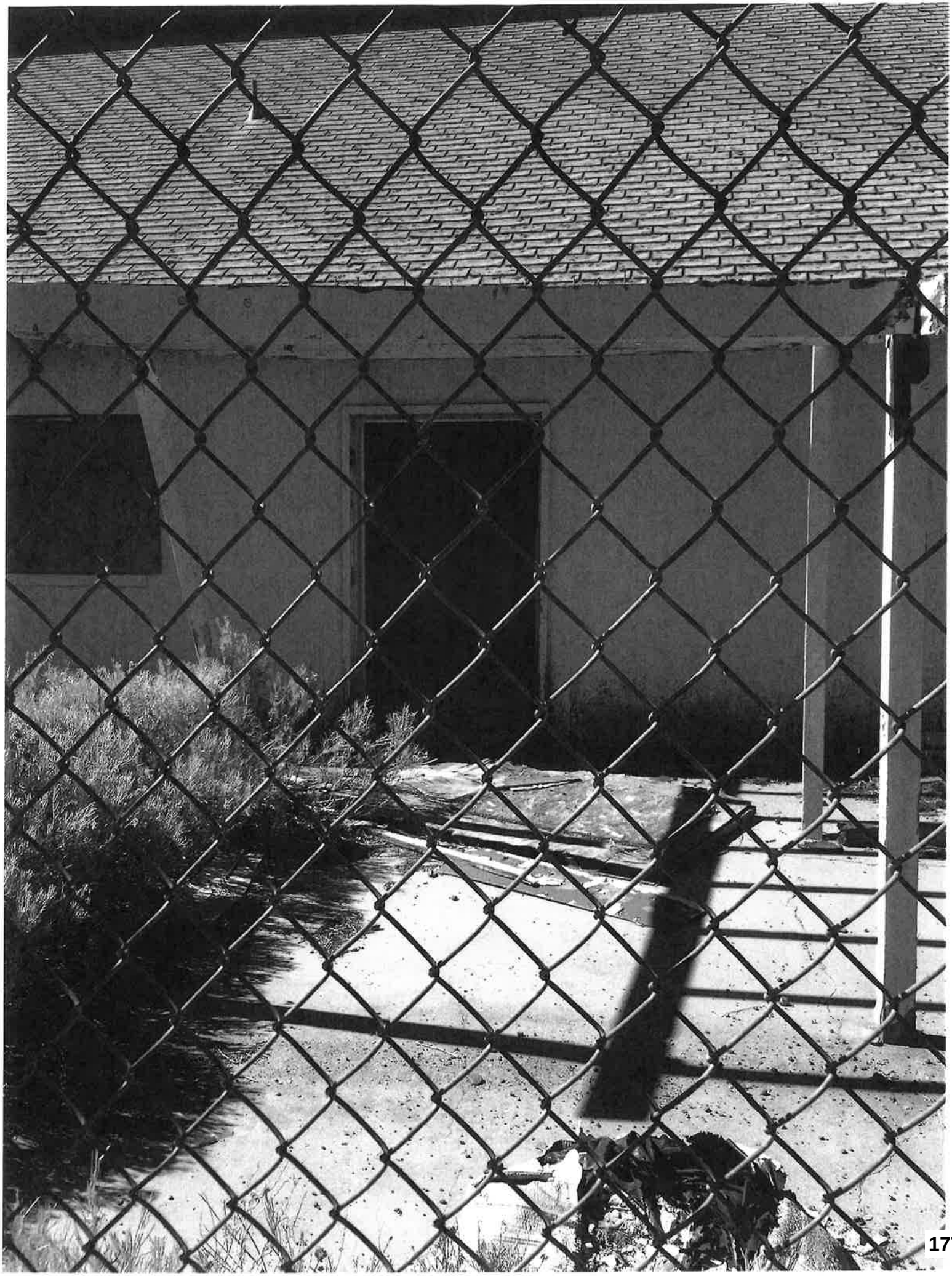
made
me











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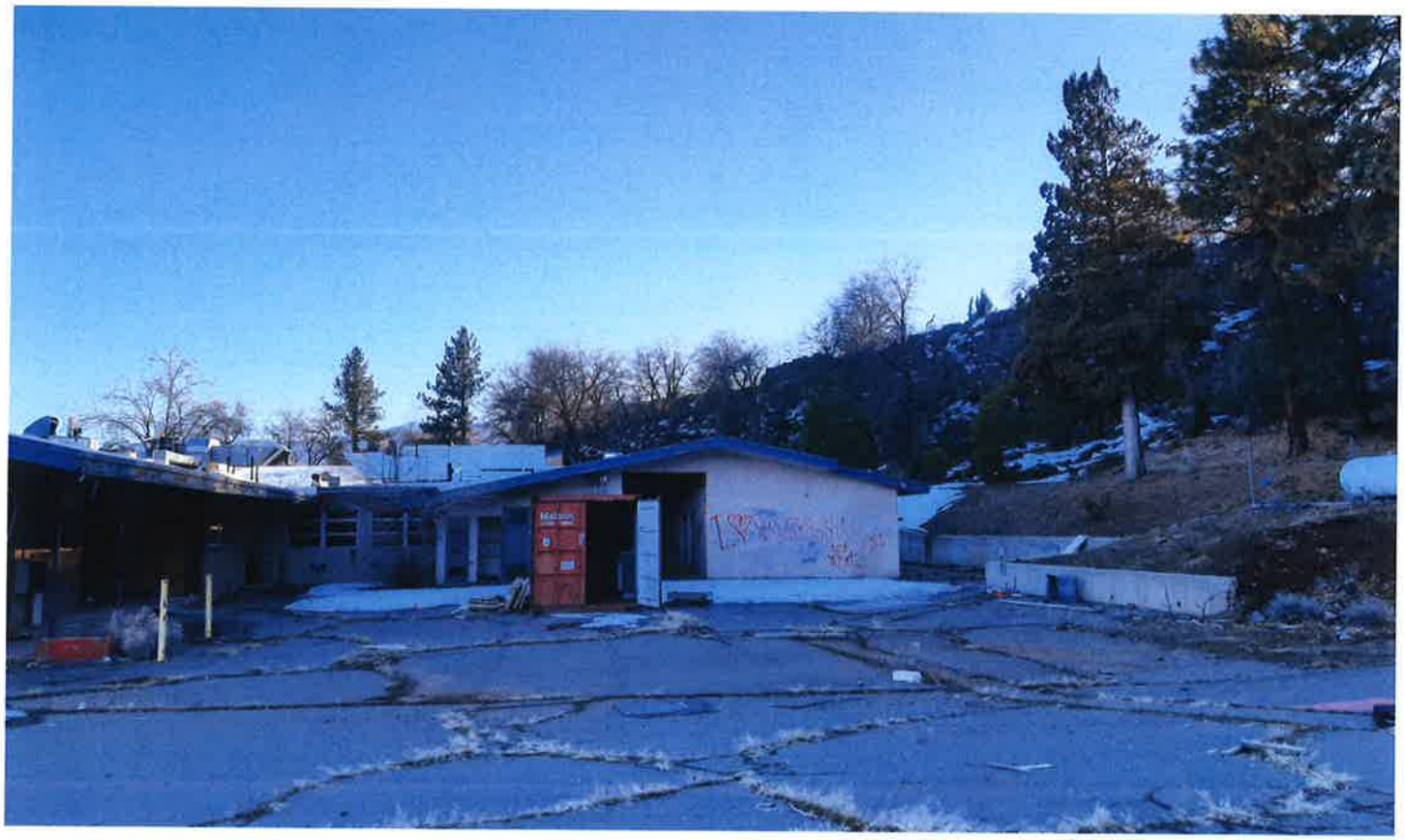

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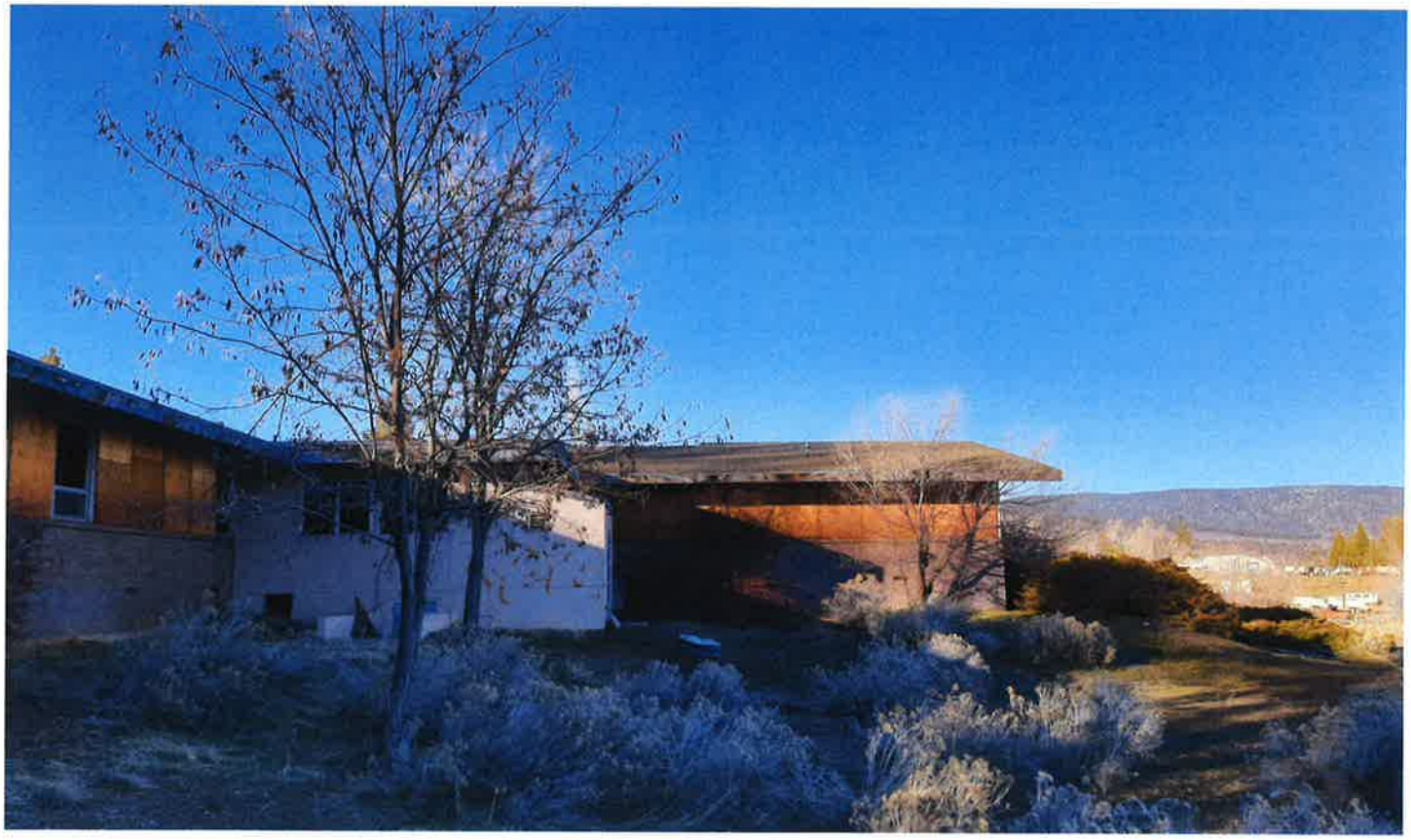

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June 16, 2022 9:55 A.M.

June 16, 2022 9:55 A.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

City of Susanville, Petitioner v Central Hotel Trust Respondent	Nuisance Abatement Order Hearing: July 12, 2022 at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

DRAFT

1. This proceeding was heard:
   a. On July 12, 2022, at 5:30pm 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 Lambois 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 Central Hotel Trust by Certified Mail on April 13, 2022, and posted on the structure at 560 Hospital Lane 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 Central Hotel Trust is the owner of and responsible party for the property located at 560 Hospital Lane.
3. Central Hotel Trust was properly served with a Notice of Violation on August 27, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Central Hotel Trust was properly served with a Notice of Intent to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 560 Hospital Lane 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 560 Hospital Lane is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Central Hotel Trust must abate the public nuisance at 560 Hospital Lane by doing the following at 560 Hospital Lane:
    a. Shall provide the City of Susanville with a plan for the property at 560 Hospital Lane within forty-five (45) days from the issuance of this order.
    b. If the remaining buildings are to be demolished, the Central Hotel Trust shall secure a demolition permit within sixty (60) days from the issuance of this order, and work shall commence within ninety (90) days. The completion of the demolition shall be completed by one-hundred twenty (120) days from the issuance of this order.

DRAFT

i. Central Hotel Trust shall be aware of the weather conditions and plan for such conditions to ensure compliance with this order.

c. If the remaining buildings are to be rehabilitated, the Central Hotel Trust shall provide the City of Susanville with engineered plans with a timeline of construction events.

d. All construction work requiring permits shall be secured prior to the commencement of any permittable job.

2. Central Hotel Trust must fully abate this public nuisance.

3. Central Hotel Trust must obtain any and all required permits that may be required to abate the public nuisance at 560 Hospital Lane.

4. After Central Hotel Trust abates the nuisance at 560 Hospital Lane, Central Hotel Trust must contact the Building and Planning Department of the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 560 Hospital Lane to determine if the public nuisance was abated.

5. If Central Hotel Trust does not comply with this order for 560 Hospital Lane by 11:59 pm on September 15, 2022, the City of Susanville may have the property at 560 Hospital Lane abated.

6. If Central Hotel Trust do not comply with this order an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as follows:

   a. Assessment of $500.00 per day until the nuisance abatement has been complied with.

   b. Effective from July 12, 2022

   c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.

   d. Assessment Penalty shall be due by 4:30 pm on November 1, 2022.

7. 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 Central

DRAFT

Hotel Trust as a personal debt or may be assessed upon 560 Hospital Lane and will constitute a lien or special assessment upon the property until paid.

8. This Order shall be effective for one year 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 this 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 of the City of Susanville Municipal Code. If Central Hotel Trust do 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 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

Dated: _____

_____

Wayne Jambois, Chairperson

Susanville Planning Commission

DRAFT

RESOLUTION NO. 22-1108
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 560 HOSPITAL LANE

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

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

WHEREAS, the conditions of real property upon the lands of 560 Hospital Lane have been declared to be a substandard building and with conditions that constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

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

A. The condition of real property upon the lands of 560 Hospital Lane are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
B. The Central Hotel Trust is the owner of record for the property of 560 Hospital Lane
C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 560 Hospital Lane subject to the terms, agreements, and conditions as follows:

1. Shall provide the City of Susanville with a plan for the property within forty-five (45) days from the issuance of the Nuisance Abatement Order.
2. If the remaining buildings are to be demolished, then The Central Hotel Trust shall secure a demolition permit within sixty (60) days from the issuance of this order, and work shall commence within ninety (90) days. The completion of the demolition shall be completed by one-hundred twenty (120) days from the issuance of this order.
3. If the remaining buildings are to be rehabilitated, then The Central Hotel Trust shall provide the City of Susanville with engineered plans and a timeline of construction events.
4. All construction work requiring permits shall be secured prior to the commencement of any permittable job.
5. All property maintenance violations shall be addressed to satisfaction of the City of Susanville
6. Failure to abate the public nuisance, the property owner shall be assessed a

daily civil penalty in the amount of $500 per day and shall be assessed from the date of the issuance of this Nuisance Abatement Order, July 12, 2022; and

7. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.
8. 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. 22-1108 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of July 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: July 12, 2022

SUBJECT: Consider Resolution No. 22-1113 approving the issuance of a Nuisance Abatement Order for 1705 Main Street

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The condition of the Knights' Inn Motel located at 1705 Main Street has fallen into a state of disrepair that jeopardizes our public safety personnel and the general public. The condition of this 40-unit motel is also highly visible as it sits at the intersections of State Route 36 (Main Street) and State Route 139 (Ash Street). With many concerns, an order to "Red Tag" the property was issued and the City of Susanville has moved to declare the property to be a public nuisance.

Chapter 8.32 of the Susanville Municipal Code provides the framework for the abatement of public nuisances. The City of Susanville has been following this framework and has caused several notices to the property owner to correct these situations. The City of Susanville is seeking a Nuisance Abatement Order to further compel the property owner to correct the conditions of the property that are causing a public nuisance to exist.

FISCAL IMPACT: None at this time.

ACTION REQUESTED: Motion to approve Resolution No. 22-1113 approving the issuance of a Nuisance Abatement Order for 1705 Main Street

ATTACHMENTS:
Nuisance Abatement Order Staff Report - 1705 Main Street.docx
Exhibit List 1705 Main St.pdf
Resolution 22-1113.docx

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
July 12, 2022

FILE NUMBER	CE#2022-017
PROPERTY OWNER	Michelle Myung-Ok Kim
REQUEST	Issuance of a Nuisance Abatement Order and authorization for issuance of Civil Penalties
ASSESSOR'S PARCEL NO.	105-154-002-000 105-154-006-000
PARCEL SIZE	Approximately 26,000 Square Feet Approximately 8,700 Square Feet Approximately 34,700 Square Feet for both parcels
LOCATION	1705 Main Street (Restaurant – 35 Ash Street)
EXISTING ZONING	C-2 (General Commercial / Shopping Center)

		ZONING	**LAND USE**
SURROUNDING ZONING AND LAND USE	**North**	C-2	Commercial (Single Family Residence)
	South	C-2	Commercial (Retail/Restaurant/Motel)
	East	C-2	Commercial (New Image Racquetball & Fitness)
	West	C-2	Commercial (Rite Aid)

GENERAL PLAN DESIGNATION	General Commercial/Shopping Center
ENVIRONMENTAL DETERMINATION	Not Applicable: Not a "project" and not subject to CEQA review.

BACKGROUND:

The original structure that currently occupies 1705 Main Street with the intended purpose of being operated as a motel was constructed in 1964. Over the decades the current location of the Knights' Inn Motel has seen several additions and changes to the attached restaurant over time. At present, the development consists of a 40-room motel with 1-manager's quarter, lobby/front office reception, restaurant built over filled-in pool, and two on-site accessory (storage) buildings occupying the larger parcel, 105-154-002-000. The second parcel is completely paved and acts as parking lot for the motel

and restaurant.

Mr. Kim has verbally identified that he has owned the Knights' Inn Motel for approximately 15 years. A ParcelQuest search does show a transfer that occurred in December 2013, but personal knowledge does validate Mr. Kim's assertion to an earlier timeframe within the years 2007-2009. During this transitional period, the intended use of the property shifted form the standard transient occupancy consistent with a motel patron to a longer term, more permanent living arrangements. The long-term occupancy rooms initially were located in the rear of the property on the North end. With the passage of time, this long-term residency grew to encompass the entire property.

On January 11, 2011, a commercial structure fire was reported at the Teriyaki House, the establishment that was currently occupying the restaurant of the Knights' Inn Motel. The cause of the fire was discovered to have been an inadequately maintained and cleaned stove hood. The fire forced the restaurant to shutter its doors as the building suffered damage related to the fire. The restaurant would sit for many years before new signs were installed. This restaurant did not reopen as unpermitted construction that did not pass inspection halted the new restaurant. Since then, the building has remained vacant and all unpermitted work, to the knowledge of the city, has not been corrected, permitted or inspected.

On December 17, 2021, the Knights' Inn Motel suffered another commercial structure fire. The fire was confined to the front lobby/reception area. This fire also damaged the Manager Quarter's rendering those quarters uninhabitable. To this day, the lobby remains in the condition it was in after the fire was put out. No work has been attempted and no building permits have been issued.

On December 21, 2021, a motor vehicle accident occurred at the Knights' Inn Motel as a vehicle struck the building impacting Room 119. The vehicle impact damaged the exterior wall and rendered the door inoperable. The resident of this room was not accommodated, until the Building and Planning Department became aware of this incident in March 2022. Upon becoming aware, this room was promptly "Red Tagged" and the resident was accommodated at that time.

On March 11, 2022, after multiple referrals from the Susanville Police Department, a case file was opened to investigate the Knights' Inn Motel. The Susanville Police Department had several officers voice their concerns over their safety due to the haphazard condition of the motel, particularly the upstairs units. The main concern was the condition of the stairs leading up to the second floor. A tripping and fall hazard were the main concern. Numerous tiles were missing, broken, and otherwise damaged. The materials used were inconsistent with the use in an outdoor environment and were inconsistent in shape, size, and width. Officers felt their safety was a risk because of the stairs.

A preliminary site inspection was conducted on this date. Multiple vehicles in various stages of inoperability. Trash scattered and loose in several locations on the property. These locations were the western stairwell, the southern stairwell, northern stairwell, between the rear fence and motel rooms, and between two inoperable vans. Several of the rooms in the northern portion of the building had their doors forced open. These rooms were filled with copious amounts of personal affects, trash and other household furnishings. The staircases were examined, and all defects were noted. The second story deck was slanted, most predominantly the bank of rooms at the southern end of the property.

A delay in this matter occurred due to the Code Enforcement case load at the time. Once the case load was manageable, the Knights' Inn Motel became a top priority. On June 3, 2022, a Notice of Violation was issued detailing many Property Maintenance violations and calling for the abatement of these nuisances. The Code Enforcement team continued meeting and discussing further actions. On June 16, 2022, an inspection was conducted by Code Enforcement, Building Official and Assistant Fire Chief. It was at this point it was determined that in order to protect the first responders who would respond to the various emergency situations and including the residents living at the Knights' Inn Motel, the building would be deemed to be a substandard building and all residents would be displaced. Arrangements were made with various resources and a 10-day Notice would be given to the residents.

On June 24, 2022, the Knights' Inn Motel was officially placed on notice that the City intended to declare the Knights' Inn Motel to be a substandard building and that a "Red Tag" would be issued on July 5, 2022. On the notice, various resources were provided to give each resident an opportunity to find assistance in locating alternative housing. Each room received this notice stapled to their doors. Additional notices were posted at the restaurant, front lobby, side buildings and the back fence.

On July 5, 2022, the Red Tag notices were attached to each room and to the restaurant, lobby, and back fence to advise the motel was officially declared a substandard building. Mr. Kim was on-site and was advised of some clarifying information as he was told the City wanted to bulldoze the property. Mr. Kim was assured that he would be given an opportunity to rehabilitate the premises or if he chose to do so he could still sell the property.

TIMELINE:

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

- Notification of Nuisance issued on December 21, 2020, by Kelly Mumper, City Planner
- Notice of Violation issued on June 3, 2022, by Cody Loflin, Code Enforcement

- Notice of Intention to Abate and Notice of Public Hearing issued on June 17, 2022, by Cody Loflin, Code Enforcement

ANALYSIS:

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

- This building was declared to be a substandard building pursuant to the California Health & Safety Code, specifically § 17920.3.
- The Susanville Fire Department raised concerns over firefighters responding to emergencies that involved the roof, or second story. First Responder safety is believed to have been in jeopardy due to the condition of the structure.
- The Susanville Police Department raised concerns over officers responding to calls for service, specifically, if the person resided on the second floor. The stairs were believed to be a tripping and fall hazard, and several officers were concerned that the railing could give out or if an altercation occurred someone could fall from the second floor.

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.

- A dangerous building is defined as such based on the provisions of the California Building Code and 1997 Uniform Code for the Abatement of Dangerous Buildings or within the definition of a substandard building under the provisions of the California Building Code.
- Buildings have been declared a substandard building and therefore classified as a dangerous building.
- All dangerous buildings are declared to be a public nuisance pursuant to § 15.10.050 SMC.
- The property has been maintained in a condition that constitutes a public nuisance on many definitions. The lack of maintenance and upkeep to the condition of the building is concerning.

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)(1) SMC: Real property developed or used in a manner that violates the zoning and land use regulations adopted directly or by reference in this code.
    - Chapter 17.36 provides the accepted uses within C-2 zoned lands. Maintaining more than 100 square feet of junk which would constitute a junk yard/junk pile is not a permitted use with the C-2 zoned lands. The conditions of the property had junk piles that were in excess of 100 square feet and were visible to the public.
    - Chapter 17.36 would require a use permit for multifamily dwelling or residential units in mixed use developments. A motel operating as a motel, with long term residency with an attached restaurant would be a similar use as this designation. The absence of a use permit to utilize the motel for more long term, and non-transitory residency would require a Use Permit to be secured from the Planning Commission prior to establishing this land use.
- 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)(3) SMC: A building or structure constructed, maintained or used in violation of the building regulations or fire regulations adopted by or pursuant to this code.
- 8.32.050(A)(4) SMC: The maintaining of a neglected vacant building as defined in Chapter 5.09 of this code.
- 8.32.050(A)(5) SMC: Dangerous buildings as defined and regulated in Chapter 15.10 of this code.
    - The Building Official has determined through a site inspection that the building has met the criteria to be declared a substandard and dangerous building based on the following violations of the California Health and Safety Code:
        - 17920.3(a)(1) HSC: Improper water closet, lavatory, bathtub or shower in dwelling
        - 17920.3(A)(11) HSC: Dampness in dwelling

    - 17920.3(A)(13) HSC: Mold growth
    - 179203.(A)(14) HSC: General dilapidation
    - 17920.3(A)(16) HSC: Inadequate garbage storage and removal
    - 17920.3(B)(2) HSC: Defective/deteriorating floor supports
    - 17920.3(C) HSC: Any Nuisance (The presence of any nuisance supported by state statute or local ordinance)
    - 17920.3(E) HSC: Plumbing in good safe condition
    - 17920.3 (G) HSC: Faulty weather protection
    - 17920.3(H) HSC: Combustible materials
    - 17920.30 (I) HSC: Nonconforming or inadequate construction
    - 17920.3(N) HSC: Minimum standards for dwelling unit and zoning/land use.
- 8.32.050 (C)(1) SMC: An accumulation of lumber, unused equipment, or junk visible from a public right-of-way or surrounding properties.
- 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)(3) SMC: Dilapidated furniture in yards or on driveways, sidewalks, roofs, or unenclosed balconies or porches.
- 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 shed exempt from obtaining a building permit, which are subject to any of the following conditions: Faulty weather protection, including, but not limited to, crumbling, cracked, damaged, missing, broken, or loose exterior plaster, siding of any kind, roofs, foundations, or floors. Broken, damaged or missing windows or doors. Painted or unpainted surfaces suffering form 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 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 properties.
- 8.52.030(A)(5) SMC: Broken or defective elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to the public health, safety and welfare or have a tendency to degrade the appearance and property values of surrounding property.
- 8.52.030(A)(6) SMC: Litter, debris or abandoned personal property scattered in the interior of a vacant or unoccupied building or structure in such a manner as to create a fire hazard, health hazard or other condition which is injurious or potentially injurious to public health, safety, and welfare.
- 8.52.030 (B) SMC: Overgrown, dead, or hazardous vegetation
- 8.52.030(C)(5) SMC: Inoperable vehicles stored upon the grounds
- 8.52.030(D) SMC: Attractive nuisances.
- 8.52.030(E) SMC: Trash/Rubbish/Debris and abandoned personal affects
- 8.52.030(F) SMC: 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.
- 8.52.030(I) SMC: To allow or permit graffiti to remain on any building, fence, wall, structure, sign or vehicle when visible to the public street, highway, right-f-way or public place for more than one week.

- 8.52.030(J) SMC: Signs constructed, erected or maintained in violation of the provisions in Chapter 17.128 of this code or an applicable specific plan ordinance.
    - The signs on the property advertising the Knights' Inn Motel are the original signs that were erected in 1964. The signs have become faded, damaged, and have fallen into major disrepair.
- 8.52.030(K) SMC: Any device, or 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 surround property.
    - The "Lighthouse" façade decorations have failed and have blown over. The current status of this decorative façade could pose a public safety hazard during inclement weather and the appearance has a degrading effect of the area.
- 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 owner to abate all public nuisances upon the property prior to a date specified by the Planning Commission. In addition to a Nuisance Abatement Order, approve the issuance of civil penalties for the failure to abate declared nuisance by a prescribed time as directed by the Susanville Planning Commission.

ATTACHMENTS:

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

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

Exhibit	Document Name	Admitted Into Evidence
A	Demonstrative Exhibit Breaking the Nuisance Abatement Ordinance into Sections	
B	**Ordinance No. 17-1011** Ordinance Repealing and Replacing Chapters 1.12 General Penalty, 10.22.030 Definitions, 8.32 Administrative Nuisance Abatement and 8.40 Administrative citations and Adding Chapters 8.52 Property Maintenance, 15.09 Neglected Vacant Buildings and 15.10 Abatement of Dangerous Buildings to the Susanville Municipal Code	
C	Demonstrative Exhibit Nuisance Abatement Timeline Tracking Table	
D	ParcelQuest Property Information Property Address: 1705 Main Street Name of Property Owner: Michelle Myung-Ok Kim	
E	Notice of Violation dated June 3, 2022	
F	Notice of Intention to Abate Public Nuisance & Notice of Public Hearing dated June 17, 2022, with signed Proofs of Service by Mail and Proof of Service by Posting, signed Certified Mail documents.	
G	Pictures from June 17, 2022, of where Notice of Intention to Abate Public Nuisance and Notice of Public Hearing was posted at 1705 Main Street	
H	Miscellaneous Documents	
I	Case Photographs	
J	Draft copy of Nuisance Abatement Order	

CITY OF SUSANVILLE

EXHIBIT 'A'

DEMONSTRATIVE EXHIBIT BREAKING THE NUISANCE ABATEMENT ORDINANCE INTO SECTIONS

Step Number	What to Do	Part of Ordinance	Minimum Days City Must Allow	X When Done
1	**Notification of Nuisance** 1. City determines there is a public nuisance. 2. City sends a letter to Responsible Party notifying the party that the City believes there is a nuisance. 3. Letter states the violations the City believes are creating the nuisance. 4. Responsible Party is given **no less than 10 days** (a reasonable period) to abate the nuisance 5. Letter must be served on Responsible Party. Service can be any of the following: personal service, service by first class mail or service by registered or certified mail.	8.32.060 - Whenever an enforcement official, as defined in section 8.40.020 of this code, determines that a nuisance, as defined in this chapter, exists on any building, structure or property located within the city, he or she shall notify, in writing, the responsible party of property on which the nuisance is located of the existence of the alleged nuisance which shall be served by personal delivery, first class mail or by registered or certified mail. The notification shall specify the violation(s), direct that the nuisance be abated and establish a reasonable abatement period of not less than 10 days.	10	
	Voluntary Abatement 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.		
	Administrative Citation or **Nuisance Abatement Process** 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	**Notice of Intent to Abate and Notice of Public Hearing**	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	

	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	**Nuisance Abatement Hearing** 1. Planning Commission hears evidence to determine if a public nuisance exists 2. Hearing must be at date, time and location stated in Notice of Intent to Abate 3. Date, time and location of the hearing must be published and posted just like any other Planning Commission meeting.	8.32.120 - At the time and place stated in the Notice of Intention to Abate Public Nuisance, the hearing board shall receive, hear and consider all relevant evidence, objections, protests and testimony of the responsible party, as well as that of other witnesses, city personnel and interested persons relative to the alleged public nuisance and to any proposed abatement measures. The hearing board shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible party has caused or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the hearing board determines that the evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the hearing board in accordance with the fundamentals of due process. The hearing board may limit the total length of the hearing to one hour, and shall allow the appellant at least as much time to present its case as is allowed the city. The hearing may be continued from time to time. The failure of any person subject to a Notice of Intention to Abate Public Nuisance pursuant to this chapter to appear at the nuisance abatement hearing shall constitute a failure to exhaust administrative remedies.		
4	**Decision of Planning Commission** 1. After hearing the evidence regarding the alleged public nuisance at the public hearing, the Planning Commission must determine if there is a public nuisance and if the nuisance will be abated.	8.32.130 - Following the public hearing, the hearing board shall consider all evidence and other matters noted during the hearing and shall determine whether the building, structure or property in question, or any part thereof, constitutes a public nuisance as alleged. If the hearing board finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the hearing board shall make a written nuisance abatement order (Order), setting forth those findings and ordering the owner, lessee, agent, occupant or other person having charge or control of the building, structure or property to abate the nuisance by rehabilitation, repair or demolition in the manner and by the means that may be specifically set forth in the Order. The Order shall set forth the time within which the abatement work shall be completed, and it shall state that if the nuisance is not abated within such time period, it may be abated by the city. Where the implementation of the Order requires a building or development permit or an amendment to an existing development 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.		
5	**Nuisance Abatement Order & Request for Permission to Abate Nuisance are Served and 1 Year Jurisdictional Period Begins** 1. **Within 5 days** of the Planning Commission making a decision regarding the existence of a public nuisance, the Responsible Party must be served with the Nuisance Abatement Order 2. **Service** must be by **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**	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'

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:

A. A fine not exceeding one hundred dollars ($100.00) for a first violation;

B. A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance, term, or condition within one year from the date of the first violation, or $500 for a second violation of a building or safety code within one year from the date of the first violation;

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

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

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

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

1.12.020 Recovery of attorneys' fees and costs.

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

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

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

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

10.22.030 Definitions.

As used in this chapter:

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

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

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

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

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

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

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

Chapter 8.32 Administrative Nuisance Abatement

8.32.010 Purpose.

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

8.32.020 Applicability.

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

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

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

8.32.030 Definitions.

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

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

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

8.32.040 Public nuisance prohibited.

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

8.32.050 Public nuisance defined.

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

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

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

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

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

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

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

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

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

2. A failing private sewage disposal system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

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, 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.

8.32.100 Right of entry procedures

A. Whenever necessary to make an inspection to enforce any ordinance or resolution of the City of Susanville or the provisions of any secondary code adopted by any ordinance, or whenever there is reasonable cause to believe that there exists a violation of any provision of such ordinance, resolution or code in any building, or upon any premises, or whenever any enforcement official of the city has reasonable cause to believe that any building or premises is 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:

1. If the building or premises is occupied, the enforcement official shall first present to 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;

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

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;

(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.

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

8.32.120 Hearing board - public hearing

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 Decision of the hearing board

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.

(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.

8.32.150 Notice of unlawful detainer proceeding.

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

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

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

8.32.160 Grievance with final order- Appeal

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

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

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

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

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

The city finance manager, the enforcement official or such other city official as may be designated shall keep an account of all costs incurred by the city in abating nuisances on each separate lot or parcel of land where the work is done and shall render a written itemized report to the city council. Costs shall include the expense of abating such nuisance and shall be itemized showing the cost of abatement and the rehabilitation, repair, improvement, relocation, vacation, demolition or removal of said premises, building or structures, including any salvage value relating thereto and any incidental expenses; provided that before said report is submitted to said city council, a copy of the same shall be posted for at least ten (10) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation; a copy of said report and notice shall be served upon the owners of said property, in accordance 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

resolution shall provide for collection of the assessment in the event of nonpayment either by recordation of the council resolution in the manner provided for by section 38773.1 of the 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.

8.32.220 Service for resolution of assessment costs

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:

A. If the council resolution levying the assessment provides for collection of the assessment by recordation of the resolution against the property upon which city abatement work was performed, the enforcement official shall cause a copy of the resolution to be served on the owner of such property in the same manner as required by law for the service of a summons in a civil action, as set forth in Article 3, Chapter 4, Title 5 of Part 2 of the Code of Civil Procedure (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.

B. If the council resolution levying the assessment provides for collection of the assessment by inclusion of the assessment on the county tax rolls, the director shall cause a certified copy of the resolution to be served on the owner of the property by certified mail, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that 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.

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

Where the council has adopted a resolution levying an assessment for city abatement costs and has provided in such resolution for the collection of such abatement costs by recording the resolution against the property on which the city abatement work was performed, the director, promptly after completing service of the council resolution in the manner hereinbefore required by this chapter, shall attach an affidavit or declaration attesting to such service to a certified copy 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.

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

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

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

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

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

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

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

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

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

8.32.280 Summary nuisance abatement.

(A) Notwithstanding any provisions of this chapter to the contrary, whenever the enforcement official determines that a public nuisance is so imminently dangerous to life or 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

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

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

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

C. Penalties imposed by the 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.

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

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

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

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

8.32.300 Violations.

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.

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.

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.

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.

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;

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

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 of entitlements or permits enacted or approved pursuant to the police power;

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

8.40.020 Definitions.

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.

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

8.40.030 Administrative citation.

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.

8.40.040 Contents of Administrative Citation.

Each administrative citation shall contain the following information:

A. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified;

B. The address or a definite description of the location where the violation occurred or is occurring;

C. The section of this code violated and a description of the violation;

D. The amount of the administrative fine for the code violation;

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;

F. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;

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

H. The name and signature of the citing enforcement official.

8.40.050 Service of administrative citations and other notices.

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 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 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.

8.40.060 Notice of violation - Generally.

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 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:

A. The date and location that the violation was observed;

B. The section of this code violated and a description of the violation;

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.

8.40.070 Notice of violation - Exceptions.

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

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

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

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

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

8.40.080 Correction of violation.

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

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.

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.

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.

8.40.120 Hearing Board.

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

8.40.130 Hearing procedure.

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.

B. A hearing before the hearing board officer shall be set for a date that is not less 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.

C. At the hearing, the administrative citation and any written report submitted by the 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 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.

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

8.40.140 Hearing board's decision and city council review.

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

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

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

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

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

8.40.150 Delinquent administrative fines – late payment charges and interest.

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

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.

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

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

Chapter 8.52 Property Maintenance

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

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

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

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

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

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

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;

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.

Whenever the City Planner, City Building Official, City Fire Chief, City Engineer or any enforcement official as designated by the City Administrator to enforce the codes of the City determines that a nuisance, as defined by section 8.52.030, exists on any building, structure or 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.

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

Chapter 15.09 – Neglected vacant buildings

15.09.010 – Findings and purpose

The Susanville City Council Finds that vacant buildings and vacant boarded-up buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings attract vagrants and transients and invite criminal activity, the dumping of trash and garbage and unauthorized occupation. The use of vacant buildings by transients, who may employ primitive cooking or 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.

The City Council also finds that because of the potential economic and public health, safety and welfare problems caused by vacant buildings, the city needs to monitor vacant buildings so that they do not become attractive nuisances, are not used by vagrants or trespassers, are properly secured and maintained, and do not become a blighting influence in the 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.

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

15.09.020 – Remedies for violation.

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

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

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

15.09.030 - Vacant and neglected vacant building.

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

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

1. The building is the subject of an active building permit for improvement, repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building or structure meets minimum building code standards, does not otherwise constitute a public nuisance, is ready for use or occupancy and/or is actively being offered for sale, lease or rent; or
3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and monitored. Active maintenance and monitoring shall include:
   a. Maintenance of landscaping and plant materials in good condition;
   b. Maintenance of the exterior of the building or structure, including, but not limited to, its paint and finishes, in good condition;
   c. Regular removal of all exterior trash, debris and graffiti;
   d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations;
   e. Active prevention of all criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution and criminal street gang activity, loitering or trespassing;
4. The building or structure, or unit in a building or structure is unoccupied due to fire, flood, earthquake, or other form of natural disaster and the owner provides evidence to the city that he or she is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, state or federal assistance programs or from insurance agencies.

15.09.040 - Compliance required.

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

15.09.050 - Structural and building standards.

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

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

15.09.060 - Fire safety standards.

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

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

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

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

15.09.07 - Security standards.

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

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

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

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

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

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

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

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

5. The property owner shall obtain a building permit for work dune 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 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.

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

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

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

15.10.010 Definition.

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

15.10.020 Abatement—Informal procedures authorized.

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

15.10.030 Abatement—Costs.

The costs and expenses of abatement of a dangerous building may be made a lien against the property on which the dangerous building was located, a special assessment against said parcel, and/or a personal obligation against the property owner through enforcement as a public nuisance and after a hearing as provided for under 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

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

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

Gwenna MacDonald/City Clerk

APPROVED AS TO FORM:

Jessica Ryan, City Attorney

CITY OF SUSANVILLE

EXHIBIT 'C'

Nuisance Abatement Timeline Tracking Table

Step #	What Was Done	Days Required to be Given	Days Given	Date Step Taken	Compliance Deadline	Expected Date of Next Step
1	**Notification of Nuisance** 1. Manner Served: **FIRST CLASS FAIL** 2. Served On: **MICHELLE MYUNG-OK KIM** 3. Date of Service: **JUNE 3, 2022** 4. Compliance Deadline Stated in Notice: **JUNE 15, 2022**	10				
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: **JUNE 17, 2022** 3. Compliance Deadline Stated in Notice (abatement period expiration date): **JUNE 30, 2022** 4. Date of Public Hearing (must be at least 10 days after abatement period expires): **JULY 12, 2022** 5. Date Notice Posted at Property: **JUNE 17, 2022** 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: **JUNE 17, 2022**	20				
3	**Nuisance Abatement Hearing** 1. Date of Hearing: **JULY 12, 2022** 2. Time of Hearing: 5:30 pm 3. Location of Hearing: City Council Chambers					
4	**Service of Nuisance Abatement Order & Request for Permission to Abate Nuisance** 1. Planning Commission decides if a public nuisance exits or not. 2. Nuisance Abatement Order issued if there is a public nuisance. 3. Nuisance Abatement Order must be served on Responsible Party within 5 days of the Planning Commission making the decision regarding the existence of a nuisance. 4. Date Decision Made: 5. Date Notice Posted at Property: 6. Date Responsible Party Personally Served or Served by Certified or Registered Mail: 7. Date Jurisdiction Period Ends:	5				
5	**Appeal Abatement Order** 1. Date appeal requested: 2. Deadline for City Council to hear appeal (within 45 days from the date appeal filed): 3. Appeal hearing date: 4. Deadline to give Appellant notice of appeal hearing (at least 10 days before hearing date):					

Address: Owner's Name: Phone No.: Tenant ☐Yes or ☐No

CITY OF SUSANVILLE

EXHIBIT 'D'

PARCELQUEST
LIST 1
DETAIL

☑ 3 Property Address: 1705 MAIN ST SUSANVILLE CA 96130-4516

Ownership

County:	**LASSEN, CA**
Assessor:	**NICK CEAGLIO, ASSESSOR**
Parcel # (APN):	**105-154-002-000**
Parcel Status:	**ACTIVE**
Owner Name:	**KIM MICHELLE MYUNG-OK**
Mailing Address:	**1705 MAIN ST SUSANVILLE CA 96130**
Legal Description:	

Assessment

Total Value:	**$585,167**	Use Code:	**CHFX**	Use Type:	**RESID. HOTEL/MOTEL/RESORTS**
Land Value:	**$127,970**	Tax Rate Area:	**001-033**	County Zoning:	
Impr Value:	**$424,687**	Year Assd:	**2021**	Census Tract:	**403.03/3**
Other Value:	**$32,510**	Property Tax:	**$6,023.72**	Price/SqFt:	
% Improved:	**76%**	Delinquent Yr:			
Exempt Amt:		HO Exempt:	**N**		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				**12/23/2013**
Document Number:				**2013R0006546**
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:		Fireplace:		Units:	
Baths (Full):		A/C:		Stories:	
Baths (Half):		Heating:		Quality:	**6.0**
Total Rooms:		Pool:		Building Class:	**D**
Bldg/Liv Area:		Park Type:		Condition:	
Lot Acres:		Spaces:		Site Influence:	
Lot SqFt:		Garage SqFt:		Timber Preserve:	
Year Built:	**1964**			Ag Preserve:	
Effective Year:	**1964**				

CITY OF SUSANVILLE

EXHIBIT 'E'

City of Susanville

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

NOTICE OF VIOLATION

DATE:	June 3, 2022
OWNER NAME:	Michelle Myung OK Kim
STREET ADDRESS:	1705 Main St.
CITY AND ZIP:	Susanville CA 96130
RE:	**NOTICE OF VIOLATION** **§ 8.32.060 SMC, § 8.40.060, § 8.40.070** Knights Inn Motel / 705 Main St. Susanville APN 105-154-002-000 CE# 2022-017

The following violations have been observed:

Violation #1	8.52.030 (A) SMC STRUCTURAL DAMAGE / DILAPIDATION
Violation #2	8.52.030 (B)(1) SMC WEEDS IN FRONT
Violation #3	8.52.030 (C)(5) SMC (8-Counts) Inoperable Vehicles
Violation #4	8.52.030 (D) SMC ATTRACTIVE NUISANCE
Violation #5	8.52.030 (E) SMC TRASH / DEBRIS / HOUSEHOLD ITEMS ETC.

☒ **Complaint Received** ☐ **Proactive Enforcement** ☐ **City Referral**
☒ **Public View Inspection** ☒ **Right of Entry Inspection** ☐ **Inspection and Abatement Warrant**
☐ **Follow-up to Notice of Public Nuisance** ☐ **Notice of Violation in Lieu of Administrative Citation**

Compliance Order:	Remove Weeds throughout grounds. Remove Trash throughout grounds No storage of inoperable vehicles anywhere. Come up with maintenance schedule to address substandard conditions and timetable to correct. Return shopping carts to stores.
Compliance Deadline: **Not less than ten (10) days.**	June 15, 2022

If the violations listed above are not corrected by the date specified in this Notice of Violation, an administrative citation may be issued, and administrative fines may be imposed.

Fines shall be assessed pursuant to § 1.12.010 of the Susanville Municipal Code

Issuing Officer:	Cody Loflin **Cody Loflin – Code Enforcement Officer** **Date:** 6-3-2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

City of Susanville

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

NOTICE OF VIOLATION

DATE:	June 3, 2022
OWNER NAME:	Michelle Myung OK- Kim
STREET ADDRESS:	1705 Main St.
CITY AND ZIP:	Susanville CA 96130
RE:	**NOTICE OF VIOLATION** **§ 8.32.060 SMC, § 8.40.060, § 8.40.070** Knights Inn Motel 1705 Main St. Susanville APN 105-151-002-000 CE # 2022-017

The following violations have been observed:

Violation #1	8.52.030 (F) SMC Packing Materials
Violation #2	8.52.030 (I) SMC Graffiti
Violation #3	8.52.030 (J) SMC Sign in violation of ordinance
Violation #4	8.52.030 (K) SMC Bldg Sign Hazard
Violation #5	8.52.030 (M) SMC Hazardous Bldg.

- ☒ **Complaint Received**
- ☐ **Proactive Enforcement**
- ☐ **City Referral**
- ☒ **Public View Inspection**
- ☒ **Right of Entry Inspection**
- ☐ **Inspection and Abatement Warrant**
- ☐ **Follow-up to Notice of Public Nuisance**
- ☐ **Notice of Violation in Lieu of Administrative Citation**

Compliance Order:	SEE PAGE 1
Compliance Deadline: **Not less than ten (10) days.**	JUNE 15, 2022

If the violations listed above are not corrected by the date specified in this Notice of Violation, an administrative citation may be issued, and administrative fines may be imposed.

Fines shall be assessed pursuant to § 1.12.010 of the Susanville Municipal Code

Issuing Officer:	Cody Loflin **Cody Loflin – Code Enforcement Officer** **Date:** 6-3-2022

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

NOTICE OF VIOLATION
IMPORTANT INFORMATION – PLEASE READ

Notice of Violation:
Susanville Municipal Code § 8.32.060: Whenever an enforcement official determines that a nuisance 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.

Susanville Municipal Code § 8.40.060: 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 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: The date and location that the violation was observed, the section of this code violated and a description of the violation, the actions required to correct the violation, a reasonable time period for the correction of the violation, not less than ten (10) days, and notice oat 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.

Susanville Municipal Code § 8.40.070: An administrative citation may be issued in lieu of a notice of violation only if: the responsible party for the violation was issued by an administrative or information citation for violation of the same provision of this code within the immediately preceding twelve (12) months, the violation constitutes, in the opinion of the enforcement official, an immediate threat to the health or safety of any person or the public generally, one or more other violations exists on the property, any one which is not subject to § 8.40.60, or the person responsible for the violation currently owes the city unpaid administrative fines that are delinquent.

The Code Enforcement Process:
The Notice of Violation provides an opportunity for the responsible party to correct the violations of the Susanville Municipal Code. A Notice of Violation is typically the official first step in the administrative nuisance abatement process and the administrative citation process when attempting to gain compliance with the Susanville Municipal Code. The Notice of Violation provides notification and an order to correct violations before the escalation of enforcement proceedings.

If the violations listed above are not corrected by the date specified in this Notice of Violation, an administrative citation may be issued, and administrative fines may be imposed.

The assessment of fines shall be as prescribed by § 1.12.010 of the Susanville Municipal Code:

- 1st Violation for General Violations and Building & Safety Violations $100
- 2nd Violation for General Violations $200 and for Building & Safety Violations $500
- 3rd & Subsequent General Violations $500 per citation and $1,000 per citation for Building & Safety Violations
- Misdemeanor Violations will be cited at $1,000 per citation

Each day the violation of the municipal code continues shall constitute a separate and citable offense.

Further attempts to gain compliance of any violation may result in the escalation of enforcement options which may include, but not limited to, and in any combination of, the securement of an abatement order, cost recovery methods, civil litigation and up to criminal prosecution.

More information:
The Susanville Municipal Code is accessible online at www.qcode.us/codes/susanville. Please refer to Title 8 Health and Safety and then Chapters 8.32 Administrative Nuisance Abatement, Chapter 8.40 Administrative Citations, Chapter 8.52 Property Maintenance. City of Susanville Ordinance No. 17-1011 is accessible online at www.cityofsusanville.net/rooptown/planning. If you require further assistance, you may contact the City of Susanville at (530) 252-5118.

City of Susanville

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

NOTICE OF VIOLATION
PROPERTY MAINTENANCE ORDINANCE 17-1011
(Susanville Municipal Code § 8.32.060, 8.40.060)

June 8, 2022

Michelle Myung Ok Kim
1705 Main Street
Susanville, California 96130

RE: Knights' Inn Motel 1705 Main Street, Susanville, California 96130
APN: 105-154-002-000 & 105-154-006-000
Code Enforcement Case # CE2022-017

To Mr. Kim:

The City of Susanville has received a complaint regarding the commercial property at 1705 Main Street. The complaint alleges violations of the Property Maintenance Ordinance, Ordinance No. 17-1011. A site inspection was conducted on Friday June 3, 2022, to verify the validity of the complaint. The site inspection concluded that violations of the Susanville Municipal Code exist on the property and the City of Susanville moves to declare these violations a public nuisance pursuant to the Susanville Municipal Code and city ordinance, Ordinance No. 17-1011.

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."

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

Based on a current inspection of your property at 1705 Main Street the following violations of the Susanville Municipal Code were observed:

- 8.52.030(A)(1)(a) SMC: Property Maintenance / Exterior-roof-foundation
- 8.52.030(A)(1)(b) SMC: Property Maintenance / Windows and Doors
- 8.52.030(A)(1)(c) SMC: Property Maintenance / Dry rot and warping
- 8.52.030(A)(3) SMC: Property Maintenance / Hazardous Fence
- 8.52.030(A)(4) SMC: Property Maintenance / Substantial deterioration
- 8.52.030(A)(5) SMC: Property Maintenance / Defective Elements of Property
- 8.52.030(A)(6) SMC: Property Maintenance / Debris, etc. in Vacant Structures
- 8.52.030(B)(1) SMC: Property Maintenance / Overgrown grass-weeds-trees
- 8.52.030(C)(5) SMC: Property Maintenance / Inoperable Vehicle [8 Counts]
- 8.52.030(D) SMC: Property Maintenance / Attractive Nuisance
- 8.52.030(E)(1) SMC: Property Maintenance / Trash-Rubbish on Property
- 8.52.030(E)(2) SMC: Property Maintenance / Household items Outdoors
- 8.52.030(E)(3) SMC: Property Maintenance / Personal Effects Outdoors
- 8.52.030(E)(4) SMC: Property Maintenance / Outdoor storage, Fire Hazard
- 8.52.030(E)(6) SMC: Property Maintenance / Outdoor storage of Auto Parts
- 8.52.030(F) SMC: Property Maintenance / Storage-Fire Hazard
- 8.52.030(I) SMC: Property Maintenance / Graffiti on Premises
- 8.52.030(J) SMC: Property Maintenance / Signage Maintenance
- 8.52.030(K) SMC: Property Maintenance / Dangerous Decoration
- 8.52.030(M) SMC: Property Maintenance / Hazardous Structure
- 12.04.010 SMC: Obstructing Right-of-Way
- 15.16.020 SMC: RV Occupancy [Warning]
- 17.36 SMC: Zoning – Junk Yard / Junk Pile Prohibited in C-2 Zoning
- 17.128.170 SMC: Zoning – Nonconforming Signs / Damaged Signs
- 17920.3(a)(16) HSC: Inadequate garbage storage and removal
- 17920.3 HSC: Substandard Building Conditions

Pursuant to Susanville Municipal Code § 8.32.060 and 8.40.060 you are hereby directed to abate the nuisances described herein by June 15, 2022.

Susanville Municipal Code § 8.52.030

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;

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 one hundred eighty (180) days, except where construction or remodeling is occurring under a valid permit or as may be permitted by the zoning classification of the property. The material shall be stored in a neat and orderly manner so as not to create a health or fire hazard;

5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling containers or as may be permitted by this code or the zoning classification of the property;

6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code;

7. Outdoor storage or scattering of materials, equipment or other items on residentially used property which is not typically associated with such use, which is inconsistent with the zoning classification of the property and which creates a fire hazard or health hazard or which is otherwise injurious or potentially injurious to the public health, safety and welfare;

8. Excessive accumulation of animal waste or the presence of any animal carcass.

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 twenty-five (25) feet long, eight feet high or ninety (90) inches wide in a residential zone. Parking of vehicles less than

twenty-five (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 one week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any surface in violation of this code or other state 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 Section 3480 or other applicable law. (Ord. 17-1011 § 5, 2017)

Susanville Municipal Code § 12.04.010

Except as provided in those limited circumstances provided for in Chapter 12.08, it is unlawful for any person to place, keep, have, erect or install on any street, sidewalk or alley of the city any fixture, appliance or obstruction of any nature whatsoever, except poles carrying wires for the transmission of electrical power or for the transmission of telephone or telegraph messages and except standards or posts upon which are placed receptacles or boxes for the deposit of materials received or sent through the United States mail; provided however, that on that portion of Main Street and its sidewalks of the city lying between Pine Street and Weatherlow Street, it is unlawful for any person to place, keep, maintain, have, erect or install any pole, post, fixture or obstruction of any nature whatsoever, and further provided, that this section shall not be construed to apply to cases where permits for temporary obstructions of sidewalks, streets or alleys are lawfully granted by the superintendent of streets.

Pursuant to Susanville Municipal Code § 8.32.060 and 8.40.060 you are hereby directed to abate the nuisances described herein by June 15, 2022.

California Health and Safety Code § 17920.3

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

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

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

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

(3) Lack of, or improper kitchen sink.

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

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

(6) Lack of adequate heating.

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

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

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

(10) Lack of required electrical lighting.

(11) Dampness of habitable rooms.

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

(13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.

(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.

(2) Defective or deteriorated flooring or floor supports.

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

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

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

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

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

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

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

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

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

(1) Deteriorated, crumbling, or loose plaster.

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

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

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

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, is in such a

condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

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

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

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

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

Pursuant to Susanville Municipal Code § 8.32.060 and 8.40.060 you are hereby directed to abate the nuisances described herein by June 15, 2022.

Actions to Correct Violations

- All overgrown grasses and weeds must be removed. The annual weed abatement deadline is MONDAY JUNE 27, 2022.
- Contact the Building Official at (530) 252-5118 regarding the required repairs necessary with the building and other elements of the property to bring the property into compliance with State Building Codes and to satisfy the elements of the Property Maintenance Code
- Obtain all required permits for any work that is done
- All windows and doors must be in sound working condition and are not broken or damaged in any way
- All light fixtures must be repaired and operable to maintain adequate visibility to the exterior of the building and stairwells
- The fence in the rear of the property will need to be removed as it is in disrepair and is encroaching into the right-of-way. The encroachment into the right-of-way is causing an unnecessary obstruction to the public access and use of the sidewalk.
- All vacant rooms shall be cleared of abandoned property and shall not be used as storage spaces
- Every vehicle being stored upon the premises will need to be in an operable state. All vehicles that were observed on the date of the site inspection were in various states of inoperability.
- All appliances that are stored outside must be disposed of in accordance with state law
- All garbage, debris, rubbish, construction materials, car parts that are currently visible to the public which are stored on the property must be disposed of in accordance with state law.
- The small commercial dumpster is inadequate for the property as it is constantly overfilled, and trash/rubbish is allowed to blow around the public roadway and into other private properties adjacent to the Knights' Inn. The frequency of trash collection or a larger capacity dumpster must be considered.
- Several fire hazards were observed upon the property and all storage of flammable materials must be stored properly or must be removed from the property.
- All graffiti on the premises must be covered up and not visible to the public.
- All signage must be in compliance with the Sign Ordinance. Every sign on the premises is in violation due to the lack of upkeep. Signs must either be removed or repaired. Signs will require the issuance of a building permit and/or electrical permit.
- The decorative construction of the restaurant building has been damaged and pieces have been observed to have crashed to the parking lot. This issue needs to be corrected by repairing the façade or removing completely. Check with Building Official to verify if the work required requires the issuance of a permit.
- The Building is a substandard building with many issues. Contact the Building Official for further information.
- Shall comply with all state laws and the Susanville Municipal Code with no known violations in a twelve-month period.

Pursuant to Susanville Municipal Code § 8.32.060 and 8.40.060 you are hereby directed to abate the nuisances described herein by June 15, 2022.

Timeline

- All public nuisances shall be abated by June 15, 2022, which corresponds to 10 days from the date of this notice [Section 8.32.060 SMC]. A written notice was posted upon the property at 355 Russell Avenue, Susanville, California on Friday June 3, 2022.

- Failure to comply with any order may result in enforcement action as authorized by the Susanville Municipal Code. Enforcement action authorized may include any of the authorized methods per the Susanville Municipal Code which include, but not limited to, Nuisance Abatement Orders [Chapter 8.32 SMC], Administrative Citations [Chapter 8.40] which are subject to the general penalty outlined in Section 1.12.010 SMC, civil litigation and up to criminal prosecution.

- Any order issued by the Susanville Fire Department or Notice of Violation pursuant to Chapter 8.28 of the Susanville Municipal Code shall supersede any order issued by this Notice of Violation. The Susanville Fire Department retains strict enforcement duties to enforce laws and regulations relating to the timely abatement of fire hazards and public nuisances related to weed and rubbish abatement.

The City of Susanville appreciates your cooperation regarding the matter as mentioned above as it is the intent of the City of Susanville to gain your compliance without the use of punitive enforcement procedures. If you have any further questions or concerns, you may contact me at (530) 260-6099.

Respectfully,

Cody Loflin
Code Enforcement Officer

CITY OF SUSANVILLE

EXHIBIT 'F'

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)

June 17, 2022

Michelle Myung-Ok Kim
1705 Main Street
Susanville, CA 96130

RE: 1705 Main Street (APNs: 105-154-002-000, 105-154-006-000)
Susanville, CA 96130
Code Enforcement Case # CE2022-017

Dear Mr. Kim:

On June 3, 2022, a Notice of Violation was served on you, by mail, pursuant to City of Susanville Municipal Code § 8.32.060, and by physical posting in a conspicuous location upon the property of 1705 Main Street. The Notice of Violation dated June 3, 2022, declared a public nuisance upon the property of 1705 Main Street and ordered you to abate the nuisance by June 15, 2022.

This letter dated June 17, 2022, serves to notify you that the City of Susanville believes the public nuisance upon the property of 1705 Main Street has not been abated and that there is still a nuisance on the property.

If the nuisance is not abated by **June 30, 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 July 12, 2022, at 5:30 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 1705 Main Street and determine if a Nuisance Abatement Order should be issued.

If you do not agree that a nuisance exists on the property at 1705 Main Street, you have anything you want the Planning Commission to consider regarding the alleged nuisance, or you do not want the Planning Commission to issue a Nuisance Abatement Order you must attend the hearing on **Tuesday July 12, 2022 at 5:30 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 **June 30, 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 1705 Main Street the following violations of the Susanville Municipal Code were noticed:

- 8.32.050(A)(1) SMC: Zoning/Land Use Violations
- 8.32.050 (A)(2) SMC: Nuisance – Substandard/Dangerous Building
- 8.32.050 (A)(3) SMC: Building/Fire Regulation Violations
- 8.32.050 (A)(4) SMC: Maintain Neglected Vacant Bldg. (Ch 15.09)
- 8.32.050 (C)(1) SMC: Visible junk from right-of-way
- 8.32.050 (C)(2) SMC: Contribute to diminution/value of properties
- 8.32.050 (C)(3) SMC: Dilapidated Furniture
- 8.32.050 (C)(4) SMC: Violation of Chapter 8.52 Property Maintenance
- 8.52.030(A)(1)(a) SMC: Property Maintenance / Exterior-roof-foundation
- 8.52.030(A)(1)(b) SMC: Property Maintenance / Windows and Doors
- 8.52.030(A)(1)(c) SMC: Property Maintenance / Dry rot and warping
- 8.52.030(A)(3) SMC: Property Maintenance / Hazardous Fence
- 8.52.030(A)(4) SMC: Property Maintenance / Substantial deterioration
- 8.52.030(A)(5) SMC: Property Maintenance / Defective Elements of Property
- 8.52.030(A)(6) SMC: Property Maintenance / Debris, etc. in Vacant Structures
- 8.52.030(B)(1) SMC: Property Maintenance / Overgrown grass-weeds-trees
- 8.52.030(C)(5) SMC: Property Maintenance / Inoperable Vehicle [8 Counts]
- 8.52.030(D) SMC: Property Maintenance / Attractive Nuisance
- 8.52.030(E)(1) SMC: Property Maintenance / Trash-Rubbish on Property
- 8.52.030(E)(2) SMC: Property Maintenance / Household items Outdoors
- 8.52.030(E)(3) SMC: Property Maintenance / Personal Effects Outdoors
- 8.52.030(E)(4) SMC: Property Maintenance / Outdoor storage, Fire Hazard
- 8.52.030(E)(6) SMC: Property Maintenance / Outdoor storage of Auto Parts

- 8.52.030(F) SMC: Property Maintenance / Storage-Fire Hazard
- 8.52.030(I) SMC: Property Maintenance / Graffiti on Premises
- 8.52.030(J) SMC: Property Maintenance / Signage Maintenance
- 8.52.030(K) SMC: Property Maintenance / Dangerous Decoration
- 8.52.030(M) SMC: Property Maintenance / Hazardous Structure
- 8.32.050 (C)(5) SMC: Abandoned/Inoperable vehicle on premises
- 8.32.050 (F) SMC: Nuisance Activity
  - (1) Disturbing the peace
  - (2) Drug activity
  - (3) Public drunkenness
  - (4) Outdoor consumption of alcohol
  - (5) Harassment of passerby
  - (9) Acts of violation
- 12.04.010 SMC: Obstructing Right-of-Way
- 17.36 SMC: Zoning – Junk Yard / Junk Pile Prohibited in C-2 Zoning
- 17.128.170 SMC: Zoning – Nonconforming Signs / Damaged Signs
- 17920.3(a)(16) HSC: Inadequate garbage storage and removal
- 17920.3 HSC: Substandard Building Conditions
  - (a)(1) HSC: Improper water closet, lavatory, bathtub or shower in dwelling
  - (a)(11) HSC: Dampness in dwelling
  - (a)(13) HSC: Mold growth
  - (a)(14) HSC: General dilapidation
  - (b)(2) HSC: Defective/deteriorating floor supports
  - (c) HSC: Any nuisance
  - (e) HSC: Plumbing in good safe condition
  - (g) HSC: Faulty weather protection
  - (h) HSC: Combustible materials
  - (i) HSC: Nonconforming or inadequate construction
  - (n) HSC: Min. standards for dwelling unit and zoning/land use

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

Actions to Correct Violations

- All overgrown grasses and weeds must be removed. The annual weed abatement deadline is MONDAY JUNE 27, 2022.
- Contact the Building Official at (530) 252-5118 regarding the required repairs necessary with the building and other elements of the property to bring the property into compliance with State Building Codes and to satisfy the elements of the Property Maintenance Code
- Obtain all required permits for any work that is done
- All windows and doors must be in sound working condition and are not broken or damaged in any way
- All light fixtures must be repaired and operable to maintain adequate visibility to the exterior of the building and stairwells
- The fence in the rear of the property will need to be removed as it is in disrepair and is encroaching into the right-of-way. The encroachment into the right-of-way is causing an unnecessary obstruction to the public access and use of the sidewalk.
- All vacant rooms shall be cleared of abandoned property and shall not be used as storage spaces
- Every vehicle being stored upon the premises will need to be in an operable state. All vehicles that were observed on the date of the site inspection were in various states of inoperability.
- All appliances that are stored outside must be disposed of in accordance with state law
- All garbage, debris, rubbish, construction materials, car parts that are currently visible to the public which are stored on the property must be disposed of in accordance with state law.
- The small commercial dumpster is inadequate for the property as it is constantly overfilled, and trash/rubbish is allowed to blow around the public roadway and into other private properties adjacent to the Knights' Inn. The frequency of trash collection or a larger capacity dumpster must be considered.
- Several fire hazards were observed upon the property and all storage of flammable materials must be stored properly or must be removed from the property.
- All graffiti on the premises must be covered up and not visible to the public.
- All signage must be in compliance with the Sign Ordinance. Every sign on the premises is in violation due to the lack of upkeep. Signs must either be removed or repaired. Signs will require the issuance of a building permit and/or electrical permit.
- The decorative construction of the restaurant building has been damaged and pieces have been observed to have crashed to the parking lot. This issue needs to be corrected by repairing the façade or removing completely. Check with Building Official to verify if the work required requires the issuance of a permit.
- All buildings on the property are declared to be a substandard building with many issues. Contact the Building Official for further information.
- Shall comply with all state laws and the Susanville Municipal Code with no known violations in a twelve-month period.

Timeline

The Susanville Planning Commission will hear this matter at a public hearing on **Tuesday July 12, 2022, at 5:30 p.m. in the Susanville City Council Chambers at 66 North Lassen Street, Susanville, California** unless the violations stated herein are corrected by **June 30, 2022.**

Please note that the intent to abate public nuisances upon the property of 1705 Main Street does not release the property owner from the obligation of any other proceedings, including but not limited to, summary abatement of your property pursuant to § 8.32.280 SMC, or the accrual of any other fines or assessments levied against the property owner.

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

Respectfully,

Cody Loflin
Code Enforcement Officer
(530) 260-6099

City of Susanville

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

NOTICE OF PUBLIC HEARING

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

- 1705 Main Street

The Public Hearing will be held on **Tuesday July 12, 2022, at 5:30 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 July 6, 2022, for Planning Commission review.

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

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

CITY OF SUSANVILLE

EXHIBIT 'G'

June 17, 2022 5:12 P.M.

June 17, 2022 5:12 P.M.

CITY OF SUSANVILLE

EXHIBIT 'H'

City of Susanville

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

December 21, 2020

Kim Michelle Myung
1705 Main Street.
Susanville, CA 96130

RE: 1705 Main Street Property Maintenance
APN: 105-154-06-11

To who it may concern;

This letter is to inform you that the buildings you own at the above-mentioned address are currently a public nuisance because they are in violation of the City of Susanville Property Maintenance Ordinance. Specifically, the Hotel "Knights Inn" has numerous violations of the Property Maintenance Ordinance which is highlighted below.

Your cooperation is important so that the City of Susanville will not have to pursue administrative penalties on the subject property. Specifically, Section 8.52.030 of the City of Susanville Municipal Code states the following regarding classifications of a public nuisance and the areas that your property is in violation have been bolded:

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

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Tomas Hererra

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.

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 one hundred eighty (180) days, except where construction or remodeling is occurring under a valid permit or as may be permitted by the zoning classification of the property. The material shall be stored in a neat and orderly manner so as not to create a health or fire hazard;

5. Outdoor storage or scattering of cardboard, newspaper, magazines, scrap metal, tin, wire, aluminum, plastic or glass containers, except within approved refuse or recycling containers or as may be permitted by this code or the zoning classification of the property;

6. Abandoned, inoperative, wrecked or dismantled vehicles or parts thereof in violation of Chapter 10.22 of this code;

H. Storage or the parking of buses, tow trucks, dump trucks, grading equipment, tractors, commercial trailers or coaches or any other commercial vehicle over twenty-five (25) feet long, eight feet high or ninety (90) inches wide in a residential zone. Parking of vehicles less than twenty-five (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 one week. For the purpose of this section, "graffiti" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any surface in violation of this code or other state 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.

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 Section 3480 or other applicable law. (Ord. 17-1011 § 5, 2017)

In Summary, the City of Susanville is asking you to remove the **boat**, **box van**, and any **nonoperational or unregistered vehicles** from the property within the next 30 days. In addition, we kindly ask that you also address the **peeling paint** on the siding of the building, **replace or repair the missing roof overhang sections**, and strongly encourage a designed professional **evaluate the stair cases** leading to the second floor hotel rooms to ensure their safety and or condition. Again, we appreciate your cooperation regarding the outlined issues above. You have 30 days upon receipt of this letter to begin and continue correcting the stated issues above. If no action is taken by you during said time period, the City of Susanville will mail a second letter issuing a Notice of Violation and subsequent fines which can be $100.00 per day. If you have questions regarding this letter, please contact Dow Davis, Building Inspector, or Kelly Mumper, City Planner at (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner/Code Enforcement

CITY OF SUSANVILLE

EXHIBIT 'I'

March 25, 2022 10:19 A.M.

March 25, 2022 10:19 A.M.

March 25, 2022 10:19 A.M.

March 25, 2022 10:19 A.M.

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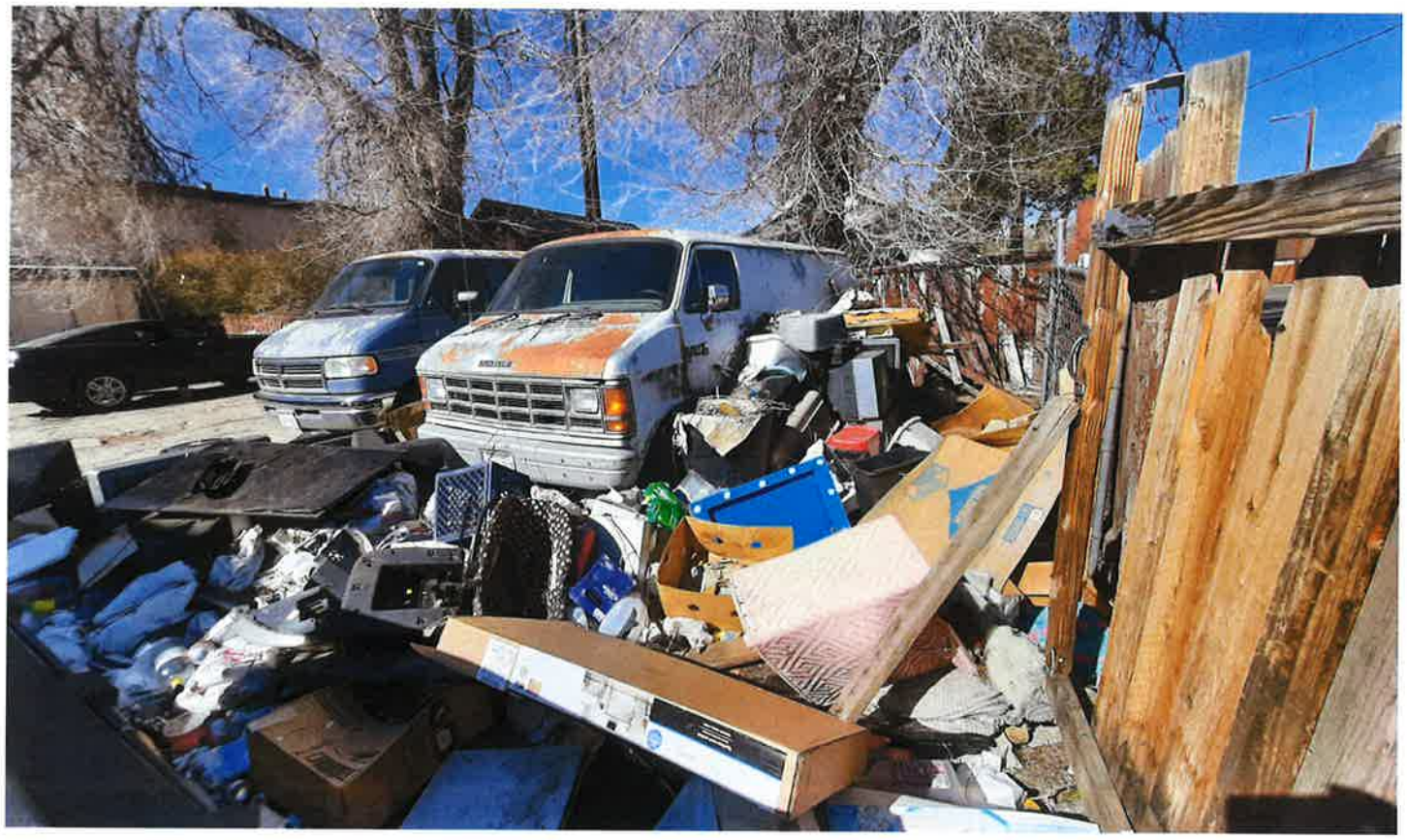
March 25, 2022 10:21 A.M.



March 25, 2022 10:21 A.M.

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March 25, 2022 10:22 A.M.

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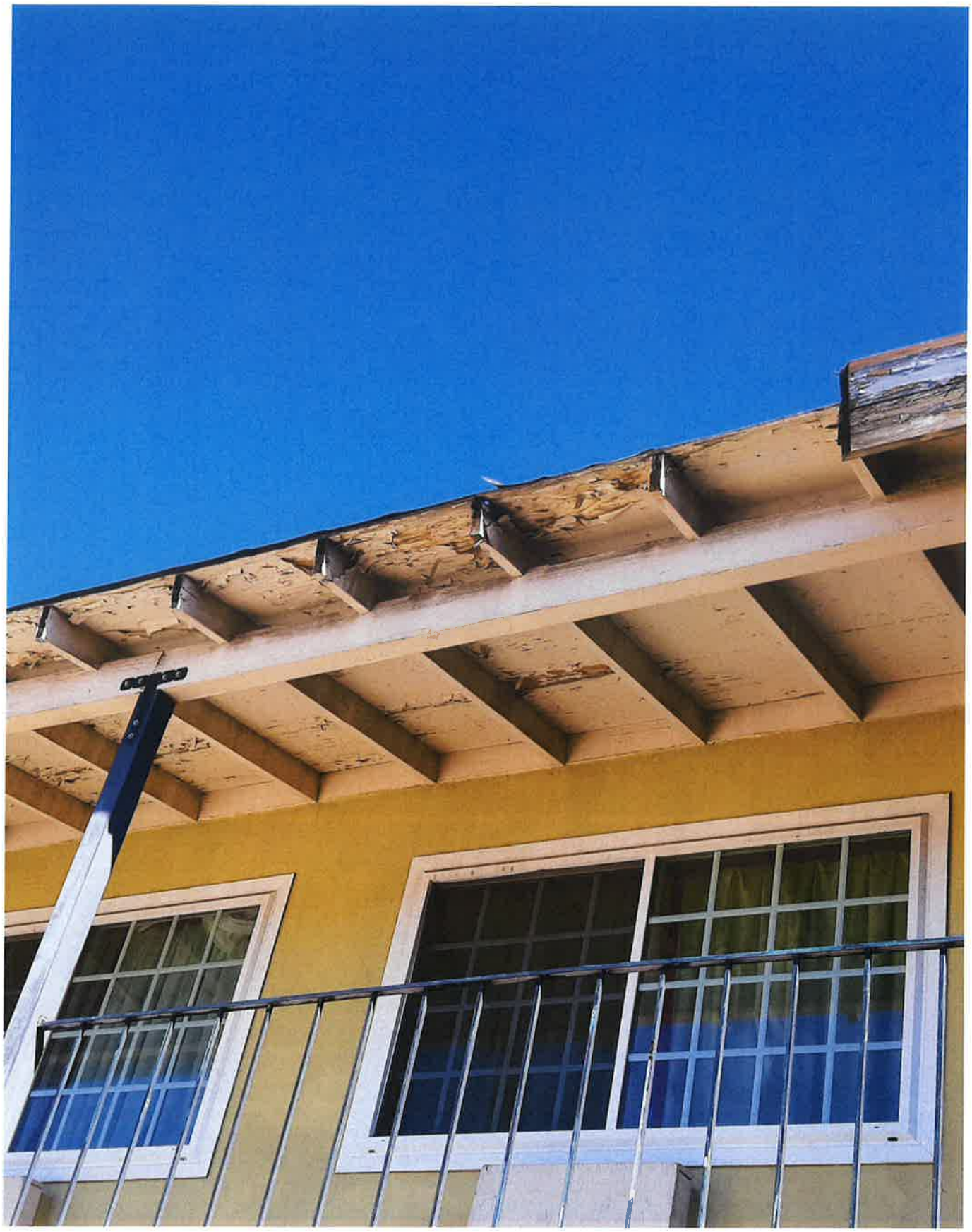

March 25, 2022 10:23 A.M.

May 27, 2022 10:06 A.M.

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May 27, 2022 10:06 A.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

City of Susanville, Petitioner v Michelle Myung Ok Kim Respondent	Nuisance Abatement Order Hearing: July 12, 2022 at 5:30 p.m. in Council Chambers 66 North Lassen Street Susanville, CA 96130

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1. This proceeding was heard:
   a. On July 12, 2022, at 5:30 pm 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 Lambois 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 Michelle Myung Ok Kim by Certified Mail on April 13, 2022, and posted on the structure at 1705 Main Street 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 Michelle Myung Ok Kim is the owner of and responsible party for the property located at 1705 Main Street.
3. Michelle Myung Ok Kim was properly served with a Notice of Violation on June 3, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Michelle Myung Ok Kim was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on June 17, 2022, and that said notice was properly posted at 1705 Main Street on June 17, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 1705 Main Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Michelle Myung Ok Kim must abate the public nuisance at 1705 Main Street by doing the following at 1705 Main Street:
    a. Shall provide engineered plans to the City of Susanville Building Official if the building is to be rehabilitated.
    b. Rehabilitation of the building shall commence within sixty (60) days from the issuance of this order.
    c. Shall continue to address all property maintenance violations and shall be completed within sixty (60) days from the issuance of this order.
    d. If the motel is going to operate as a long-term residence, then a Use Permit shall be secured through the Susanville Planning Commission.

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2. Michelle Myung Ok Kim must fully abate this public nuisance.
3. Michelle Myung Ok Kim must obtain any and all required permits that may be required to abate the public nuisance at 1705 Main Street.
4. After Michelle Myung Ok Kim abates the nuisance at 1705 Main Street, Michelle Myung Ok Kim must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 1705 Main Street to determine if the public nuisance was abated.
5. If Michelle Myung Ok Kim does not comply with this order for 1705 Main Street by 11:59 pm on October 15, 2022, the City of Susanville may have the property at 1705 Main Street abated.
6. If Michelle Myung Ok Kim do not comply with this order an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
    a. Assessment of $250.00 per day until the nuisance abatement has been complied with.
    b. Effective from June 3, 2022
    c. The maximum administrative penalty shall be $10,000, exclusive of administrative costs and interest.
    d. Assessment Penalty shall be due by 4:30 pm on November 1, 2022.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to clear and effect the abatement shall be charged against Michelle Myung Ok Kim as a personal debt or may be assessed upon 1705 Main Street and will constitute a lien or special assessment upon the property until paid.
8. This Order shall be effective for one year 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 this 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-

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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 of the City of Susanville Municipal Code. If Michelle Myung Ok Kim do 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 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

Dated: _____

_____

Wayne Lambois, Chairperson
Susanville Planning Commission

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RESOLUTION NO. 22-1113
A RESOLUTION BY THE SUSANVILLE PLANNING COMMISSION APPROVING THE ISSUANCE OF A NUISANCE ABATEMENT ORDER AT 1705 MAIN STREET

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

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

WHEREAS, the conditions of real property upon the lands of 1705 Main Street have been declared to be a substandard building and with conditions that constitute a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order.

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

A. The condition of real property upon the lands of 1705 Main Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
B. Michelle Myung Ok Kim is the owner of record for the property of 1705 Main Street
C. The City of Susanville find that a public nuisance exists upon the land and find the property owners to be responsible for the abatement of the public nuisance.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves a Nuisance Abatement Order for 1705 Main Street subject to the terms, agreements, and conditions as follows:

1. Shall provide engineered plans to the City of Susanville Building Official if the building is to be rehabilitated.
2. Rehabilitation of the building shall commence within sixty (60) days form the issuance of this order.
3. All property maintenance violations shall be addressed to satisfaction of the City of Susanville
4. Shall secure a Use Permit through the Planning Commission if long term residency will continue.
5. Failure to abate the public nuisance, the property owner shall be assessed a daily civil penalty in the amount of $250 per day and shall be assessed from the date of the issuance of the Notice of Violation dated June 3, 2022; and
6. The daily accrual of any civil penalty shall cease when the conditions of this abatement order are fully complied with.
7. The property owner will comply with all provisions of the Susanville Municipal Code and will refrain from any other violations of the Susanville Municipal Code

in a 12-month period.

APPROVED:_____
Wayne Jambois, Chairperson
Planning Commission

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

The foregoing Resolution No. 22-1113 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 12th day of July 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Heidi Whitlock, City Clerk
Secretary to the Planning Commission

AGENDA ITEM NO. 5.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	July 12, 2022
SUBJECT:	Consider appointment of Chair and Vice Chair
PRESENTED BY:	Kelly Mumper
SUMMARY:	Per Susanville Municipal Code Section 2.36.110, the Commission shall appoint a chairperson and vice-chairperson from among its members. The chairperson serve for a one-year term, or until the successor of each is appointed and takes office. Appointments shall occur at the first meeting in July and the new chair shall presume office at the second meeting. In the event the chair and vice-chair are absent, the Commission shall select an acting chair for the meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Motion to approve appointment of Chair and Vice Chair
ATTACHMENTS:	