

Title 19

CODE ENFORCEMENT

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Chapter 01

GENERAL PROVISIONS

Sections:

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19.01.010 Purpose.

The City Council finds that the enforcement of this Code and applicable state laws throughout the City is an important public service. Code enforcement is vital to protection of the public's health, safety, and quality of life and to compliance with the City's general plan. The Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative compliance hearings and judicial proceedings.

The Council further finds that a comprehensive Code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with Code regulations. Failure to comply with an administrative Code enforcement action may result in judicial action to gain compliance.

The Council further finds that recovery of costs related to Code enforcement from those who violate the Code is fiscally prudent and discourages repeat violations. The procedures established in this Title shall be in addition to criminal, civil, or any other legal remedy established by law which may be pursued to address violations of this Code and applicable state codes.

19.01.020 Code Compliance.

No person shall violate or fail to comply with the provisions of this Code. In accordance with Government Code section 38771, The failure to comply with the requirements of the Code is deemed a violation of the Code, constitutes a nuisance, and may be corrected by any means provided by law. Concealing, aiding, or abetting a violation of the Code is also a violation of the Code. Whenever any act or omission is made unlawful, it shall include causing, maintaining, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

19.01.030 No Mandatory Duty–Civil Liability.

It is the intent of the City Council that any Municipal Code provision establishing performance standards or establishing an obligation to act by a City officer or employee, shall not be construed as creating a mandatory duty for purposes of tort liability, if the officers or employees fail to perform their directed duty or duties.

19.01.040 General Enforcement Authority.

The City Manager, City Directors, Code Enforcement Officers, and their designated agents have the authority and powers necessary to determine whether a violation of the Code exists and the authority to enforce and gain compliance with the provisions of the City Code and applicable state law. These powers include, but are not limited to, the power to inspect public and private property, issue notices of violation and administrative citations, abate nuisances, and use any judicial and administrative remedies available under the Code or applicable state law. These powers include the discretion to utilize any remedy or remedies as authorized by law.

19.01.050 Jurisdiction–Scope of Municipal Code.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City and to that territory outside of this City over which the City has jurisdiction or control by virtue of the Constitution, any law, or by reason of ownership or control of property.

19.01.060 Separate Offenses.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continues, maintained, or permitted by such person and shall be punishable accordingly.

19.01.070 Service of Notices.

Notices issued pursuant to this Title shall be served in the following manner, unless a different procedure is specifically stated to apply:

- A. Personal service or certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice shall be sent by regular mail to the Responsible Person. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail.
- B. Posting the notice conspicuously on or in front of the property.
- C. Mailings to the Property Owner shall be sent to the address listed in the last equalized assessment roll of the Stanislaus County Assessor.
- D. In the event the responsible person is someone other than the property owner, a copy of the notice shall also be mailed to the property owner.

19.01.080 Proof of Notice.

Proof of notices served pursuant to this Title shall may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this Code, or other provisions of law applicable to the subject matter concerned.

19.01.090 Definitions.

For the purpose of this title, and except where otherwise expressly defined in another chapter or sections of this Title, the following words and phrases shall have the meanings provided in this Section. Where words and phrases are not expressly defined under this Title, they shall be

construed as their ordinary meaning within the context which they are used.

“Abatement” means any action the City may take to remove or alleviate a nuisance including, but not limited to, demolition, removal, repair, cleaning, boarding and securing or replacement of property.

“Across”: includes along, in or upon.

“Administrative enforcement order”: means an order issued by an Administrative Hearing Officer after a hearing requiring a Responsible Person to correct violations, abate a public nuisance, pay administrative fines, civil penalties, administrative costs, authorize the City to abate a public nuisance, assess a Code Enforcement Lien or take any other action as authorized or required by this Code and applicable state codes.

“Assessment lien”: means a lien recorded with the Stanislaus County Recorder's Office for the purposes of collecting outstanding administrative citation fines, civil penalties and administrative costs imposed as part of a cost recovery, administrative or judicial code enforcement action. It shall also mean the same as a Code Enforcement Lien.

“Backyard”: means that portion of property between the back of the building and the rear property line.

“Boarded building” means a vacant building, some or all of whose doors and windows and other openings have been covered with plywood or other material for the purpose of preventing entry into the building.

“Building”: means any structure having a roof supported by columns or walls used or intended to be used for commercial or residential purposes for the shelter or enclosure of persons, animals or property.

“Code Enforcement Officer”: means the City Manager, a department director, building official, Police Chief, other City Directors, and authorized agents, who are authorized to enforce violations of the Municipal Code, Uniform Codes and applicable state codes within their department's jurisdiction.

“Compliance date” means the date requested for correction of the violation(s) prior to the imposition of any administrative fines or penalties.

“Debris”: shall mean the same as junk.

“Director”: shall include each of the directors of the following City departments: Community Development, Public Works, Finance, Police Department, Fire Department, Recreation Division and any of their designated agents or representatives within their jurisdiction.

“Firewood”: means wood cut to fireplace length that has been neatly stacked.

“Front yard”: means that portion of property between the street and a building, excluding any porch areas.

“Garbage” means putrescible animal, fish, fowl, fruit or vegetable refuse, or any portion thereof, resulting from the growing, preparation, processing, storage, handling, transporting or consumption of foods.

“Goods”: includes wares and merchandise.

“Graffiti” means the unauthorized letters, words, symbols, figures and marks placed on buildings and objects on private property, public property or the public right-of-way by using paint or marking with ink, chalk, crayon, dye or other similar substances, or by cutting or scraping with any tool or instrument.

“Hearing Officer” means a Hearing Officer with whom the City has contracted to conduct hearings pursuant to this chapter. No Hearing Officer shall be compensated or evaluated, directly or indirectly, based upon the outcomes of any hearing.

“Habitable” means that a building, premises or property is suitable for occupancy per the standards set forth in the codes referenced in this chapter and/or those codes utilized by the City in the normal course of government operations.

“Industrial waste” means all liquid or solid waste substances, except sewage, from any production, manufacturing, processing or packaging operation.

“Inoperative” means any vehicle that (1) cannot be immediately started and driven under its own power on the streets and highways, (2) is in an unsafe condition, or (3) is in any other condition specified in the California Vehicle Code which prohibits its placement and/or movement on the public streets or highways. This includes any vehicles, including trailers or vessels, not currently registered for operation on the public streets, highways or waterways.

“Imminent health and safety hazard”: means any condition which creates a present and immediate danger to life, property, health or public safety.

“Junk”: means any cast-off, damaged, discarded, junked, salvaged, scrapped, worn-out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of pans, rubber, terra cotta, wool, cotton cloth, canvas, wood, metal, sand, organic matter (excluding compost not in public view) or other substance.

“Lodging house” means any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise. For the purposes of this chapter a single-family dwelling unit may contain one (1) or two (2) guest rooms and not be classified as a lodging house; provided, such dwelling meets all of the following criteria: (1) the dwelling

contains only one (1) kitchen; (2) no food preparation appliances, including stoves, ovens, hotplates, refrigerators or sinks, are installed or located in the guest rooms; (3) doors to guest rooms do not contain dead bolt locks and such doors only open into the interior of the dwelling unit; (4) the parcel on which the dwelling is located has only one (1) address and one (1) mailbox; and (5) all vehicles owned, operated or controlled by occupants of the dwelling and stored for any length of time on or in proximity of the parcel on which the dwelling is located have space available for and are capable of simultaneously legally parking on the parcel.

“Notice and Order”: means a document used in abatement actions and assessment of civil penalties involving code violations which provide notice of Municipal Code, Uniform Code or applicable state code violations and orders a Responsible Person to take certain steps to correct the violations within a definitive period of time. Civil penalties may also be imposed in conjunction with this Notice.

“Notice of Compliance”: means a document issued by a Director which represents that a property has been brought into compliance with the criteria set forth under this Code.

“Notice of Satisfaction”: means a document or form which indicates that all outstanding civil penalties and costs have either been paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt.

“Notice of Violation”: means a written notice which informs a Responsible Person of code violations present on the subject property, lists the required compliance actions and contains specific information as required by the Municipal Code. This document may be recorded.

“Oath”: includes affirmation.

“Office”: means the use of the title of any officer, employee, office, or ordinance, and shall mean such officer, employee, office, or ordinance, of the City of Ceres.

“Operate” or “Engage in”: includes carry on, keep, conduct, maintain, or cause to be kept or maintained.

“Owner” means any person, his/her heirs, executors, administrators or assigns, agent, firm, partnership or corporation having or claiming any legal or equitable interest in the property in question as listed on the last available equalized tax assessment roll for Stanislaus County.

“Person”: unless it otherwise appears from the context as used, includes any person, firm, association, organization, partnership, business trust, company, corporation, public agency, school district, the State of California, its political subdivisions and/or instrumentalities thereof or any other entity which is recognized by law as the subject of rights or duties.

“Premises”: means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved including adjacent street.

“Property owner”: means the record owner of real property as listed on the last equalized assessment roll as maintained by the Stanislaus County Assessor.

“Property” means all residential, industrial, commercial, agricultural, open space and other real property, including but not limited to front yards, side yards, driveways, walkways, alleys and sidewalks, and shall include any building or other structure, whether fixed or movable, located on such property.

“Public nuisance”: means any condition caused, maintained or permitted to exist which constitutes a threat to the public's health, safety and welfare which is injurious to the senses or which significantly obstructs, injures or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons. A public nuisance also has the same meaning as set forth under the California Civil Code, and includes those conditions specifically declared to be a nuisance by any provision of the Municipal Code.

“Putrescible” means a substance that is or is liable to become putrid or rotten.

“Refuse” and “rubbish” mean all putrescible and/or non-putrescible solid or liquid wastes, except sewage, whether combustible or noncombustible.

“Responsible Person”: means a person who a Code Enforcement Officer determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Municipal Code, Uniform Code or applicable state codes. The term "Responsible Person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the property, person in possession of the property or person that exercises custody and control over the property.

“Sale”: includes any sale, exchange, barter or offer for sale.

“Sewage” means effluent or waste matter which is required to be disposed of through or should pass through sewers and the wastewater treatment plant and is composed of human or animal feces, urine, toilet paper and any other such waste materials.

“Shall” is mandatory and “may” is permissive. However, the use of the word "shall" is not intended and shall not impose any mandatory duty to third parties by the City of Ceres, its commissions, boards, officers, agents or employees and is not intended and shall not impose any liability on the City of Ceres, its commissions, boards, officers, agents or employees.

“Side yard”: shall mean the area between the side of the building and the side property line.

“State”: is the State of California.

“Street”: includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Substandard properties”: means any property that is maintained with any of the conditions set out in Section 14-402.1 of the Uniform Housing Code adopted by Chapter 15.15 of this Code or Health and Safety Code Section 17920.3.

“Tenant” or “Occupant”: applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.

“Visual blight”: means any unlawful condition or use of premises or of a building exterior which by reason of its appearance as viewed at ground level from the public right-of-way is detrimental to the surrounding area and the property of others, or is detrimental to the health, safety and welfare of individuals residing within the community.

“Writing” includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Chapter 02

CRIMINAL ENFORCEMENT

Sections:

19.02.010 Prosecution by the District Attorney.

19.02.020 General Municipal Code Violations.

19.02.030 Misdemeanors and Infractions—Generally.

19.02.010 Prosecution by the District Attorney.

The City may refer any Code violation to the District Attorney for prosecution under the Penal Code or as set forth in this Code.

19.02.020 General Municipal Code Violations.

A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code or any provision adopted by reference by this Code. Any person violating any of such provisions or failing to comply with any of the provisions of this code shall be guilty of a misdemeanor, except where it has been provided by state law or by this Code that the violator shall be guilty of an infraction.

B. In the sole discretion of the City Attorney, a violation of this Code may be prosecuted as an infraction where the City Attorney has determined that such action would be in the best interest of justice. The City Attorney may specify in the citation, accusatory pleading or by amendment during the prosecutorial process that the matter will be prosecuted as an infraction.

C. Each such person shall be guilty of a separate offense for each and every day during any option of which any violation of any provisions of this code or of a city ordinance is committed, continued, or permitted by such person and shall be punished accordingly.

D. Except for those violations that this Code expressly requires be charged solely as either an infraction or a misdemeanor, any violation of any ordinance of the City or any provision of any ordinance may be charged, in the discretion of the Code Enforcement Officer or of city attorney, as a misdemeanor or an infraction.

19.02.030 Misdemeanors and Infractions—Generally.

A. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

B. Any person convicted of an infraction, shall be punishable by a fine only as follows, unless otherwise specifically provided in this code, or by State law.

1. Upon a first conviction, by a fine not exceeding one hundred dollars (\$100.00);
2. For a second violation of the same ordinance within one year by a fine not exceeding two

hundred dollars (\$200.00); and

3. For a third conviction or subsequent conviction within a period of one year, by a fine not exceeding five hundred dollars (\$500.00).

C. A violation of local building and safety codes determined to be an infraction is punishable as follows:

1. For a first violation, by a fine not to exceed one hundred thirty dollars (\$130.00);

2. For a second conviction of the same ordinance within a period of one year, by a fine not to exceed seven hundred dollars (\$700.00); and

3. For a third, or any subsequent conviction, of the same ordinance within a period of one year, by a fine not to exceed one thousand three hundred dollars (\$1,300.00).

Chapter 03

PARKING CITATIONS

Sections:

19.03.010 Parking Citations–Appeals.

19.03.010 Parking Citations–Appeals.

A. Any person receiving a parking citation issued by Police Officer or other authorized personnel, may appeal the parking citation to the Police Department within ten (10) business days from the date the citation was issued. When a parking citation is issued by mail, the appeal must be made within ten (10) business days from the date the citation was mailed. Such appeal may be made in person, by telephone, or in writing.

B. Upon receipt of the request for review of the parking citation, the police department shall cause such citation to be reviewed for compliance with all applicable codes and appropriateness.

C. If the department finds there are grounds for cancellation, the findings shall be entered on the record and the parking citation shall be canceled.

D. Results of the initial review shall be sent to the contestant within fifteen (15) days from the date the request is received.

E. If the contestant is dissatisfied with the results of the initial review, within ten (10) days of mailing of the results of the initial review, the contestant may request a hearing, made in writing specifying the grounds for contesting the results of the initial review, and depositing all applicable fines. As soon as practicable after receiving the request for a hearing, the City Manager shall appoint a Hearing Officer and fix a date, time, and place for the hearing but in no instance shall such hearing be set later than forty-five (45) days after the request is received. Written notice of the time and place of the hearing shall be served not less than five (5) days prior to the date of the hearing, unless otherwise provided elsewhere in this Code, to the party responsible for the violation and anyone else who received notice of the parking citation by any one of the following means:

1. Personal service; or

2. First-class mail. Service by first-class mail in the manner described above shall become effective on the date of mailing.

F. Failure of any person to request a hearing in accordance with the provisions of this Section shall constitute a waiver of such person's right to a hearing for adjudication of the parking citation, or any portion thereof, and adjudication of the total amount of the fine.

G. The Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the following issues:

1. The Chief of Police or his/her designee shall present information or testimony relating to the violation and the appropriate means of correcting the violation if applicable.
2. The owner or agent or person responsible for the violation or any other interested person may present relevant testimony or evidence concerning the violation.

H. The Hearing Officer shall establish and promulgate all appropriate rules and procedures for conducting hearings and rendering decisions pursuant to this Section.

I. The decision of the Hearing Officer regarding any appeal shall be final and binding.

J. The Hearing Officer may reduce, waive, or conditionally reduce the fines stated in the citation or any late fees assessed, but in no event can the Hearing Officer reduce the fine below the minimum established by resolution of the City Council. The Hearing Officer may also impose conditions and deadlines by which to correct the violation or pay any outstanding fine.

K. Failure of any person to appear at the scheduled time and place for the hearing shall not preclude the Hearing Officer from conducting the hearing at such time.

1. The person requesting the hearing shall, upon request, be entitled to a single continuance of the hearing time and date.

Chapter 04

CODE ENFORCEMENT—ADMINISTRATIVE PROVISIONS

Sections:

- 19.04.010** **Applicability.**
- 19.04.020** **Code Enforcement Authority.**
- 19.04.030** **Authority to Inspect.**
- 19.04.040** **Code Enforcement Fees; Purpose.**
- 19.04.050** **Assessment of Code Enforcement Fees.**
- 19.04.060** **Amount of Code Enforcement Fees.**
- 19.04.070** **Code Enforcement Fees; Exemption.**
- 19.04.080** **Notification of Assessment of Code Enforcement Fees.**
- 19.04.090** **Collection of Code Enforcement Fee.**

19.04.010 **Applicability.**

The procedures established in this Title shall be in addition to criminal, civil, or any other legal remedy established by law which may be pursued to address violations of this Code and applicable state codes.

19.04.020 **Code Enforcement Authority.**

The Community Development Director, Code Enforcement Officers, Chief of Police and other City Directors or their designated agents have the authority and powers necessary to determine whether a violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of the Municipal Code and applicable state codes. These powers include the power to issue Notices of Violation, Administrative Citations, Notice and Orders, and Civil Penalties, the power to inspect public and private property and use the administrative remedies which are available under the Municipal Code, Uniform Codes or applicable state codes.

19.04.030 **Authority to Inspect.**

If a City Manager, Chief of Police or a Code Enforcement Officer has reasonable grounds to suspect a violation of this Code of any property or premises, the Officer may only enter the premises for the purpose of investigating the possible violation(s), with the permission of the Owner or occupant of the Property or Premises. If an owner, occupant, or other agent of the Property or Premises refuses permission for the Officer to enter, the Officer must seek an administrative inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure.

19.04.040 **Code Enforcement Fees; Purpose.**

A. The Council finds there is a need to recover costs incurred by the City in its code enforcement efforts including time spent by City personnel inspecting and re-inspecting properties throughout the City, preparing and posting the various notices that are required under this Code whenever a property is found to be in violation of a mandatory provision, processing a case file, towing inoperative vehicles, obtaining inspection warrants, and preparing for and appearing at Administrative Hearings, which procedures all become necessary when a Responsible Person fails

to voluntarily correct code violations on his or her property. These additional code enforcement efforts are not usually undertaken or employed until after a Responsible Person has failed to respond on a voluntary basis to notices and/or warnings from the City or volunteers.

B. The Council further finds the assessment of fees for the services listed in subsection A of this Section, are an appropriate method to recover costs incurred for the additional work that is undertaken by City Staff when a Responsible Person fails to voluntarily correct code violations on his or her property in a timely manner. The assessment and collection of these code enforcement fees shall not preclude the imposition of, and shall be in addition to, any administrative or judicial civil penalties or fines for violations of the Municipal Code or applicable state codes.

19.04.050 Assessment of Code Enforcement Fees.

Whenever a Code Enforcement Officer or designated staff inspects, reinserts processes a case file, prepares and posts a Notice of Intent to Abate, a Notice of Violation, Notice to Vacate, Notice and Order of Demolition, Abandoned Vehicle Abatement Notice, seeks and obtains an inspection warrant, prepares for and appears at an Administrative Hearing, or any other action as may be hereinafter designated by Resolution of the Council, for which an action has been initiated to obtain compliance with the applicable Municipal and State Code, a Director or Code Enforcement Officer shall assess the appropriate code enforcement fee against the Responsible Person.

19.04.060 Amount of Code Enforcement Fees.

A code enforcement fee schedule shall be established and revised as necessary by the City Council to reflect current costs. The code enforcement fee schedule shall be filed in the City Clerk's office.

19.04.070 Code Enforcement Fees; Exemption.

No fee shall be charged if any of the following circumstances exist:

- A. A Notice of Compliance has been issued;
- B. It is determined that the previously identified Responsible Person has not caused the code violation;
- C. The Responsible Person fully complies with any violation notice or warning before the first inspection by code enforcement staff.

19.04.080 Notification of Assessment of Code Enforcement Fees.

A. Where the assessment of code enforcement fees is authorized under this Chapter, the Director or Code Enforcement Officer shall provide the Responsible Person with a written notice assessing code enforcement fees. The written assessment shall contain the following information:

1. The amount of fees charged; and
2. The corresponding dates when code enforcement action took place; and
3. A deadline by which the code enforcement fee must be paid.

B. Notification of the code enforcement fee assessment shall be provided to the Responsible Person by any of the means outlined in Section 19.01.070 of this Code.

C. Code enforcement fees may be assessed as part of any judicial or administrative enforcement action as provided for in this Title.

D. Code enforcement fees collected pursuant to this Title shall not be duplicated in any other action to recover these identical costs.

E. The failure of any Responsible Person to receive notice of the code enforcement fees shall not affect the validity of any fees imposed under this Title.

19.04.090 Collection of Code Enforcement Fee.

The City shall collect the assessed code enforcement and late fees by the use of all appropriate legal means, including but not limited to referral to the Finance Department for collection or assessment against the property.

Chapter 05

ADMINISTRATIVE ENFORCEMENT–NOTICE OF VIOLATION

Sections:

- 19.05.010 Notice of Violation–Procedures.**
- 19.05.020 Recordation of Notices of Violation; Purpose.**
- 19.05.030 Procedures for Recordation.**
- 19.05.040 Service of Notice of Violation.**
- 19.05.050 Procedures to Appeal Recordation.**
- 19.05.060 Appeal Hearing–Recordation of Notice.**
- 19.05.070 Notice of Compliance–Removal Procedures.**
- 19.05.080 Prohibition Against Issuance of Municipal Permits.**
- 19.05.090 Cancellation of Recorded Notice of Violation.**

19.05.010 Notice of Violation–Procedures.

Whenever it is determined that a violation related to building, structures, or zoning, of the Municipal Code or applicable state codes exists, the Chief of Police or Code Enforcement Officer may issue a Notice of Violation to the Responsible Person(s). Such notice shall serve as a written warning of responsibility and required action by the Responsible Person to abate the violation. The Notice of Violation shall include the following information:

- A. The name of the Responsible Party;
- B. The name of the owner, if different from the Responsible Person;
- C. Street address;
- D. The code sections in violation;
- E. A description of the conditions which violate the applicable codes;
- F. A list of necessary corrections to bring the property into compliance;
- G. A deadline or specific date to correct the violations listed in the Notice of Violation, unless the violation constitutes an immediate hazard to the public health, safety, or welfare or materially interferes with public travel or passage, in which case the notice of violation may require immediate compliance;
- H. A list of the potential consequences for failure to comply with the Notice including, but not limited to criminal prosecution, civil injunction, administrative abatement, administrative citations, civil penalties, revocation of permits, recordation of the Notice of Violation and withholding of future municipal permits.
- I. Information regarding appeals, including (1) any person having any record title or legal interest

in the parcel of land or Responsible Person may appeal from the notice of violation to the Hearing Officer pursuant to Section 19.11.080 of this Code and (2) failure to submit an appeal pursuant Section 19.11.080 of this Code to will constitute a waiver of all rights to an administrative hearing and determination of that matter.

19.05.020 Recordation of Notices of Violation; Purpose.

The Council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of Notices of Violation.

The procedures established in this Chapter shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of the Municipal Code or applicable state codes.

19.05.030 Procedures for Recordation.

A. Once a Chief of Police or Code Enforcement Officer has issued a Notice of Violation to the Responsible Person and the property remains in violation after the deadline established in the Notice of Violation, a Notice of Violation may be recorded with the Stanislaus County Recorder's Office.

B. Before recordation, a Chief of Police or Code Enforcement Officer shall provide to the Responsible Person a Notice of Intent to Record stating that a Notice of Violation will be recorded unless a written request to appeal this action is received pursuant to the procedures outlined in this Title. The letter shall be served in accordance with the methods set forth in Section 19.01.070.

C. If a written request to appeal is not received within the time frame specified, the Director or Code Enforcement Officer may thereafter cause the Notice of Violation to be recorded, if the violations remain.

D. The recorded Notice of Violation shall include the name of the property owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest Notice of Violation.

E. Any costs associated with recording and removal may be assessed against the property as provided for herein.

19.05.040 Service of Notice of Violation.

A copy of the recorded Notice of Violation shall be mailed to the Responsible Person and to the Property Owner and/or any other persons who have requested copies of such Notices pursuant to any of the methods of service set forth in Section 19.01.070 of this Code.

19.05.050 Procedures to Appeal Recordation.

A. An appeal of the Notice of Intent to Record the Notice of Violation shall follow the procedures set forth in Section 19.11.080 through 19.11.140.

B. Upon receiving a written appeal, the Chief of Police or Code Enforcement Officer shall schedule a hearing pursuant to the procedures set forth in Chapter 19.11. The purpose of the hearing is for the Responsible Person or property owner to state any reasons why a Notice of Violation should not be recorded.

C. The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded Notice of Violation.

19.05.060 Appeal Hearing–Recordation of Notice.

A. At the appeal hearing, the Hearing Officer shall only consider evidence that is consistent with the City Manager's rules and procedures for administrative hearings, and that is relevant to the following issues:

1. Whether the conditions listed in the Notice of Violation violate the Municipal Code or applicable state codes; and
2. Whether the Chief of Police, Code Enforcement Officer or Peace Officer afforded the Responsible Person with due process by adhering to the notification procedures specified in this Chapter.

B. If the Hearing Officer affirms the decision to record the Notice of Violation, the Chief of Police, Code Enforcement Officer or Peace Officer may proceed to record the Notice of Violation.

C. If the Hearing Officer determines that recordation is improper, the Hearing Officer shall invalidate the decision to record the Notice of Violation.

19.05.070 Notice of Compliance–Removal Procedures.

A. When the violations listed on the Notice of Violation have been corrected, the Responsible Person or property owner may file with the Chief of Police, or Code Enforcement Officer a written request for a Notice of Compliance on a form provided by the City.

B. Once the request is received, the Chief of Police or Code Enforcement Officer shall reinspect the property within ten (10) days from receipt of the request to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.

C. The Chief of Police or Code Enforcement Officer shall provide a Notice of Compliance to the Responsible Person or property owner if a determination is made that:

1. All violations listed in the recorded Notice of Violation have been corrected; and
2. All necessary permits have been issued and finalized; and
3. All administrative fines or civil penalties have been paid; and

4. The party requesting the issuance of the Notice of Compliance has paid an administrative fee to reimburse the City for all administrative costs.

D. Administrative costs may include costs incurred in the investigation, inspection, reinspection, title search, appeal hearing, and any other processing costs associated with the violations specified on the Notice of Violation,

E. If the Chief of Police or Code Enforcement Officer denies a request to issue a Notice of Compliance, the Chief of Police or Code Enforcement Officer shall serve the requesting party, the Responsible Person and the property owner with a written explanation within five (5) days from the inspection setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 19.01.070 of this Code.

F. The decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.

19.05.080 Prohibition Against Issuance of Municipal Permits.

For properties where a Notice of Violation has been recorded, the City may withhold permits for repair, construction and/or alteration on the affected property until a Notice of Compliance has been issued. The City may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

19.05.090 Cancellation of Recorded Notice of Violation.

Any Notice of Compliance approved and issued by the City shall be recorded with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

Chapter 06

ADMINISTRATIVE CITATIONS

Sections:

- 19.06.010** **Administrative Citations–Authority.**
- 19.06.020** **Administrative Citations–Procedures.**
- 19.06.030** **Contents of Administrative Citation.**
- 19.06.040** **Appeal of Administrative Citation.**
- 19.06.050** **Fines for Administrative Citations.**
- 19.06.060** **Failure to Pay Administrative Citation Fine.**
- 19.06.070** **Advanced Deposit Waiver.**
- 19.06.080** **Responsibility of Parent or Legal Guardian.**
- 19.06.090** **Miscellaneous Provisions.**
- 19.06.100** **Allocation of Administrative Citation Fines.**

19.06.010 **Administrative Citations–Authority.**

A. Any person violating any provisions of the Municipal Code or applicable state code may be issued an administrative citation by a Code Enforcement Officer as provided in this Title. The authority to issue administrative citations specifically includes the authority to issue such citations for conditions which constitute a public nuisance as an alternative to formal abatement procedures. The issuance of such a citation is not a waiver of the City's right to seek formal abatement or other enforcement or remedial actions, either by administrative or judicial proceedings.

B. An administrative fine shall be assessed by means of an administrative citation issued by the Code Enforcement Officer and shall be payable directly to the City of Ceres unless otherwise noted on the citation. Payment of a fine shall not excuse a failure to correct a violation, nor shall it bar further enforcement action by the City.

C. Fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this Title.

D. No administrative citations shall be issued for violations of Chapter 6.01 of this Code regarding the placement or use of waste wheelers or recycling totes, nor shall administrative citations be issued for violations of Chapter 13.08 regarding water wasting. Violations of these code provisions shall be governed by the applicable provisions of Chapters 6.01 and 13.08.

19.06.020 **Administrative Citations–Procedures.**

A. Whenever the City Manager or a Code Enforcement Officer or Peace Officer determines that a violation of this Code has occurred, the Officer may issue an administrative citation to a Responsible Person in the manner prescribed in this Title. The administrative citation shall be issued on a form approved by the City Manager. The City Manager or Code Enforcement Officer or Peace Officer may issue an administrative citation without a period for correction if a Notice of Violation has previously been served.

B. The City Manager or Code Enforcement Officer or Peace Officer may issue an administrative citation for a violation not committed in the officer's presence if the Officer has determined through investigation that the Responsible Person did commit or is otherwise responsible for the violation.

C. If the Responsible Person is a commercial business, the Code Enforcement Officer or peace officer shall attempt to locate the business owner and issue the business owner an administrative citation. If the Code Enforcement Officer or peace officer can only locate the manager of the commercial business, the administrative citation may be given to the manager of the business. A copy of the administrative citation shall also be mailed to the business owner or Responsible Person in the manner prescribed by Section 19.01.070 of this Title.

D. The administrative citation shall be signed by the issuing Code Enforcement Officer or peace officer.

E. Method of Service.

1. Signature. Once the Responsible Person is located, the Code Enforcement Officer or Peace Officer shall attempt to obtain the signature of that person on the administrative citation. However, if the Responsible Person refuses or fails to sign the administrative citation, it shall not affect the validity of the citation and subsequent proceedings.

2. If the Code Enforcement Officer or peace officer is unable to locate the Responsible Person, then the administrative citation shall be mailed to the Responsible Person in the manner prescribed in Section 19.01.070 of this Title.

3. Posting. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the Responsible Person in the manner prescribed by Section 19.01.070 of this Title.

F. A copy of the administrative citation shall thereafter be mailed to the Responsible Person and to the owner of the property if different from the Responsible Person in the manner prescribed by Section 19.01.070 of this Title. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Title.

19.06.030 Contents of Administrative Citation.

Any administrative citation that is issued shall contain all of the following information:

A. The name of the Responsible Party;

B. The name of the property or business owner, if different from the Responsible Person;

C. The date and location of the violations and the approximate time the violations were observed;

D. The code sections violated and a brief description of how the sections are violated;

- E. Where appropriate, the action required to correct the violations;
- F. Set forth a deadline by which the violations must be corrected and the consequences of failing to comply;
- G. The amount of fine imposed for the violations, if any;
- H. An explanation as to how the fine shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the fine;
- I. Identify all rights and procedures of appeal;
- J. The name and signature of the Officer; and
- K. Any other information deemed necessary by the Officer.

19.06.040 Appeal of Administrative Citation.

An appeal from the issuance of an administrative citation shall follow the procedures set forth in Chapter 19.11.

19.06.050 Fines for Administrative Citations.

A. If the Responsible Person fails to correct the violation, subsequent administrative citations may be issued for the same violations. The amount of the fine shall increase at a rate specified in subsection B of this Section.

B. The fines assessed for each administrative citation issued for the same violations shall be as follows:

1. First Administrative Cite: one hundred dollars (\$100.00);
2. Second or subsequent Administrative Cite: two hundred fifty dollars (\$250.00);
3. Third or subsequent Administrative Cite: five hundred dollars (\$500.00).
4. Administrative citations issued for violations of Ceres Municipal Code Section 9.16.080(U) (use of tobacco products at City Park, Baseball Complex or Soccer Complex) shall be as follows:
 - a. First Administrative Cite: fifty dollars (\$50.00);
 - b. Second or subsequent Administrative Cite: one hundred dollars (\$100.00).

C. Payment of an administrative fine shall not excuse or discharge a Responsible Person from the duty to immediately abate or correct a violation of the Code, nor from any other responsibility or

legal consequences for a continuation or repeated occurrence of a violation of the Code. Nor shall the payment of the fine bar further enforcement action by the City.

D. All fines assessed and late charges shall be payable to the City of Ceres, unless otherwise directed on the citation. All fines and late charges shall be paid to the City at such location or address as stated in the citation or as may otherwise be designated by the City Manager.

E. If an existing Municipal Code provision establishes a fine for conduct or conditions which is less than the administrative citation fines established by this Section, the amount of the fines set forth in this Section shall be controlling.

F. For all delinquent, unpaid Administrative Citation fines, there shall be a penalty imposed in the amount of ten percent (10%) of the citation fine amount, and an additional one percent (1%) per month of the total amount of such fine for each month during the time that the fine remains unpaid after its delinquency date. The delinquency date for a Code Enforcement Administrative Citation fine shall be sixty (60) days following the imposition of the fine, or the appeal determination of the Administrative Hearing Officer, whichever is later.

G. Separate fines shall apply for each separate violation, however, in the event that multiple violations are found to occur as a result of an investigation, each such violation listed in the first citation following the investigation, each such violation listed in the first citation following the investigation, each such violation listed in the first citation following the investigation shall be considered a "first violation."

H. The due date for the City's receipt of an administrative fine shall be thirty calendar days (30) from the issuance date of a citation. Thereafter, a late charge shall be due and owing. The amount of the late charge shall be in the amount as prescribed by resolution by the City Council pursuant to applicable law.

I. Abatement or other correction of a violation shall not excuse the obligation of a Responsible Person to pay an administrative fine, or any late charge unless otherwise provided under the Code.

J. Unpaid administrative fines and late charges shall constitute a debt that may be collected in any manner allowed by law. Where authorized by law the City shall be entitled to recover its attorney's fees and costs arising from an action to collect an administrative fine or late charge if it is the prevailing party.

19.06.060 Failure to Pay Administrative Citation Fine.

The failure of any person to pay the fines assessed by an administrative citation within the time specified on the citation may result in the Director or Code Enforcement Officer referring the matter to the Finance Department or other designated agent for collection. Alternatively, the chief of police or Code Enforcement Officer shall pursue any other legal remedy to collect the fines including, but not limited to, those remedies provided by this Title.

19.06.070 Advanced Deposit Waiver.

A. Any person who requests a hearing who is financially unable to make the advance deposit of the fine as required in Chapter 19.11 may file a request for deposit waiver.

B. The request shall be filed with the Finance Director within ten (10) days of the date of the administrative citation on a deposit waiver application form available from the City Clerk. The Finance Director shall either issue or decline to issue the deposit waiver within five (5) days of receiving the request.

C. The Finance Director shall issue the deposit waiver if the cited party submits to the Finance Director a sworn affidavit, or declaration under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Finance Director the person's actual financial inability to deposit with the City the full amount of the fine in advance of the hearing.

D. The Finance Director shall issue a written determination listing the reasons for his or her determination to issue or not issue the deposit waiver. The written determination of the Finance Director shall be final, and shall be served upon the person who applied for the deposit waiver, the Enforcement Officer, and the City Clerk.

19.06.080 Responsibility of Parent or Legal Guardian.

Whenever the Responsible Person is a person under the age of eighteen (18), the City Manager or Enforcement Officer shall provide copies of all notices, citations, and other documents specified in this Chapter to the parent or legal guardian of the Responsible Person. Any fine levied pursuant to this Title may be levied jointly and severally against the Responsible Person and the parent or legal guardian of the Responsible Person. The parent or legal guardian shall have the right to a hearing and judicial review as set forth in this Title.

19.06.090 Miscellaneous Provisions.

A. Failure of a Responsible Person to comply with a corrective action stated in any uncontested citation, or with regard to a correction order in any Hearing Officer's decision that is deemed confirmed, shall constitute a misdemeanor and shall be prosecuted by the city attorney

B. Any person having a record of noncompliance with corrective action or nonpayment of fine(s) may be required to post security in the form acceptable to the City Manager or City Attorney to ensure compliance with the Code as a condition to the issuance of any entitlement, permit, approval, or license.

C. The City Manager, Chief of Police or authorized designee may dismiss a citation at any time if a determination is made that it was issued in error.

19.06.100 Allocation of Administrative Citation Fines.

Administrative fines collected pursuant to this Title shall be deposited into the General Fund.

Chapter 07

ABATEMENT GENERALLY

Sections:

- 19.07.010 Abatements—Declaration of Purpose.**
- 19.07.020 Authority.**
- 19.07.030 Judicial Abatement.**
- 19.07.040 Treble Damages For Subsequent Abatement Judgments.**
- 19.07.050 General Procedures.**
- 19.07.060 Appeal.**
- 19.07.070 Abatement Of A Public Nuisance By The City.**
- 19.07.080 Summary Abatement.**
- 19.07.090 Abandoned Vehicles Abatement.**
- 19.07.100 Weed Abatement.**
- 19.07.110 Vacant and Boarded Buildings.**

19.07.010 Abatements—Declaration of Purpose.

The Council finds that it is necessary to establish appropriate procedures for the administrative and summary abatement of public nuisances and code violations. The procedures established in these sections are in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address Municipal Code or applicable state code violations. These sections govern all other nuisance abatement procedures established in other titles of the Municipal Code unless other procedures are specifically stated to apply.

19.07.020 Authority.

Any condition caused, maintained, or permitted to exist in violation of any provisions of the Municipal Code or applicable state codes which constitutes a public nuisance or is specifically declared to be a nuisance, may be abated by the City pursuant to the procedures set forth in this Chapter.

19.07.030 Judicial Abatement.

Pursuant to state law, the City has the authority to judicially abate public nuisances by filing criminal or civil actions. The City also has the authority to make the expense of abatement of the nuisance a special assessment, or a lien against the property on which it is maintained and/or a personal obligation against the Responsible Person.

19.07.040 Treble Damages For Subsequent Abatement Judgments.

Pursuant to state law, upon the entry of a third or subsequent civil or criminal judgment within a two-year period that finds the same person responsible for a condition that may be abated pursuant to this Code, a court may order the Responsible Party to pay treble the costs of the abatement.

19.07.050 General Procedures.

A. Abatement Notice:

1. Whenever the Chief of Police or Code Enforcement Officer determines that public or private property or any portion of public or private property is a public nuisance as generally defined in Section 19.01.090 or as declared in any other specific section of the Municipal Code, Adopted Uniform Codes, or applicable state codes, an Abatement Notice may be issued to the Responsible Person to abate the public nuisance.
2. The Abatement Notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property. It shall refer to specific sections of the Municipal Code or applicable state code violations which render the property a public nuisance.
3. The Abatement Notice shall describe the action required to abate the public nuisance which may include, but is not limited to: corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants or other appropriate action and shall establish time frames by which each action must occur.
4. The Abatement Notice shall explain the consequences should the Responsible Person fail to comply with the terms of the notice.
5. The Abatement Notice shall identify all applicable hearing and appeal rights.

B. Service of Abatement Notice.

The Abatement Notice shall be served by any of the methods of service listed in Section 19.01.070 of this Code.

19.07.060 Appeal.

An Abatement Notice may be appealed pursuant to the procedure set forth in Chapter 19.11 of this Title.

19.07.070 Abatement Of A Public Nuisance By The City.

A. Once the Chief of Police or Code Enforcement Officer follows the procedures set forth herein and the time for compliance has lapsed, if the violations remain, the nuisance conditions may be abated by City personnel or by a private contractor.

B. City personnel or a private contractor can enter upon private property in a reasonable manner as provided by law to abate the nuisance conditions as specified in the Abatement Notice or Abatement Order.

19.07.080 Summary Abatement.

Chapter 19.09 shall govern the procedures relating to summary abatement of public nuisances.

19.07.090 Abandoned Vehicles Abatement.

Chapter 10.14 shall govern the procedures relating to abatement of abandoned vehicle nuisances.

19.07.100 Weed Abatement.

Chapter 6.05 shall govern the procedures relating to weed abatement.

19.07.110 Vacant and Boarded Buildings.

Chapter 6.06 shall govern the procedures relating to abatement of vacant and boarded buildings.

Chapter 08

NUISANCE ABATEMENT

Sections:

- 19.08.010 Use of Chapter.**
- 19.08.020 Short Title.**
- 19.08.030 Authority.**
- 19.08.040 Relationship of Parts of Title.**
- 19.08.050 Relationship to Uniform Codes.**
- 19.08.060 Relationship to Remainder of City Code.**
- 19.08.070 Severability.**
- 19.08.080 Nuisance and Nuisance Conditions Defined.**
- 19.08.090 Officer Powers.**
- 19.08.100 Responsibility for Property Management.**
- 19.08.110 Procedures.**

19.08.010 Use of Chapter.

Use of this Chapter shall be at the sole discretion of the City.

19.08.020 Short Title.

This chapter may be cited as “the nuisance abatement ordinance.”

19.08.030 Authority.

This section is adopted pursuant to the provisions of Article 6 (commencing with Section 38771) in Chapter 10, Division 3 of Title 4 of the California Government Code. Any condition caused, maintained or permitted to exist in violation of any provisions of the Municipal Code or applicable state codes which constitutes a public nuisance or is specifically declared to be a nuisance, may be abated by the City pursuant to the procedures set forth in this Chapter.

19.08.040 Relationship of Parts of Title.

The remedies provided in this chapter are cumulative to each other. The procedure provided in Section 19.07 may be utilized to abate any nuisance defined herein. However, in the discretion of the enforcement officer, the procedures in Chapter 10.14 may be utilized to abate abandoned vehicles and the procedures of Chapter 6.05 may be used to abate weeds. In the discretion of the enforcement officer, the administrative citation procedure in Chapter 19.06 may be used either in addition to, or in lieu of, the other provisions of this chapter.

19.08.050 Relationship to Uniform Codes.

The remedies provided in this chapter are cumulative to those provided by the Ceres uniform codes. They are in addition to any remedies or “notice and order” which may be issued under any of the Ceres uniform codes (including, without limitation by reason of enumeration, the Ceres Housing Code, the Ceres Fire Code, and the Ceres Building Code).

19.08.060 Relationship to Remainder of City Code.

The remedies provided in this chapter are cumulative and in addition to any other remedy provided in this code, by law, or in equity.

19.08.070 Severability.

If any part, section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held to be invalid, ineffective or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter, and any part, section, subsection, sentence, clause, phrase or portion of this chapter, irrespective of the fact that any one (1) or more parts, sections, subsections, sentences, clauses, phrases or portions of this chapter are judicially determined to be invalid, ineffective or unconstitutional.

19.08.080 Nuisance and Nuisance Conditions Defined.

Activities prohibited by California Penal Code, Part 1, Title 10, sections 370 and 371 and sections 11225 et seq. and California Health and Safety Code sections 11570 et seq., as enacted or hereinafter amended, shall be unlawful, constitute a public nuisance, and enforcement and abatement shall be undertaken as provided by law.

For the purposes of this Chapter, “nuisance” or nuisance condition” shall mean any or more of the following conditions or activities:

A. Any violation of this Code or violation of any other rule, regulation, ordinance, resolution as promulgated by the Council or authorized City staff.

B. Any condition or use of premises or property which:

1. Is Detrimental to the premises or property of others;
2. Poses an immediate or potential health, safety, or fire hazard; or
3. Is in violation of this Code, resolutions, regulations or other lawful order promulgated by the Council or by authorized City officials;

C. The existence of any condition which relates to fire protection as defined in the California Health and Safety Code;

D. The existence of any building construction project which is abandoned, partially destroyed, or left in a state of partial construction for an unreasonable period of time. A “state of partial construction for an unreasonable period of time” exists if the project has been under construction for more than one (1) year, its appearance from the public street or neighboring properties substantially detracts from the appearance of the immediate neighborhood, and there is no valid and active building permit authorizing the construction work;

E. The existence of any dwelling, dwelling unit or lodging house which has not been used for its legal and intended purpose for a three hundred sixty-five (365) day period. Uses that occur within

any three hundred sixty-five (365) day period and are of a duration of less than thirty (30) days shall, for the purpose of this chapter, not qualify as meeting the use requirements of this section. Time during which the dwelling is either being actively remodeled, or marketed for either sale or rental, shall not be included in determining the period of nonuse;

F. It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any premises or land in this City to permit, allow, or maintain such premises or land such that any one or more of the following conditions or activities exist:

1. Any condition recognized in law or equity as constituting a public nuisance;
2. Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety, or welfare of the public;
3. Any condition in violation of Title 18 of this Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the City Council or the Planning Commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the City;
4. Anything defined as a nuisance pursuant to state and federal law, including, but not limited to, California Civil Code sections 3479 et seq.;
5. Any condition in violation of the weed and rubbish abatement laws defined at California Government Code sections 39501 et seq., and sections 39560 et seq., as enacted or hereafter amended and enforced by City ordinance and resolutions;
6. Any vacant, unoccupied, or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety, and welfare of the public;
7. Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature, may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded, ice boxes, refrigerators, personal belongings or excavations;
 - a. Any condition that constitutes a visual blight, as defined in Section 19.01.090 and including, but is not limited to, the keeping, storing, depositing, scattering over, or accumulation on the premises any of the following:
 - b. Lumber, rubbish; refuse; trash; junk; scrap metal, packing materials, building materials, garbage; and other waste or discarded material;

- c. Weeds, dry or dead vegetation, paper or paper products, or other combustible and noncombustible refuse or waste.
 - d. Abandoned, discarded or unused objects or equipment, such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, tools, machinery, equipment or parts thereof, or automotive parts or equipment.
 - f. Stagnant water or excavations.
 - g. Any personal property, object, device, decoration, design, fence, structure, landscaping, or vegetation which is unsightly by reason of its condition or its inappropriate location.
 - h. Vehicles parked on any surface other than an improved driveway.
8. The keeping, storage, depositing, or accumulation of dirt, sand, gravel, concrete, or other similar materials which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that if the listed materials are being used or to be used for a project of repair or renovation, it may be stored for such period of time as is reasonably necessary to expeditiously complete the project and in no case shall said storage of material exceed thirty (30) days.
9. The use of vehicles, motor homes, boats, trailers, campers or camper shells, or similar vehicles or equipment used for sleeping or cooking purposes in areas or at times where and when such use is not specifically authorized under its particular zoning district designation or as otherwise delineated within this Code.
10. Any condition of a building or structure deemed to be unsafe or that in the discretion of the Building Official or Enforcement Officer, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage, or other similar occurrence specified in this Code or any other applicable law.
11. Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code section 17920.3 or its successor.
12. Filling of an above ground or in-ground swimming pool with water prior to the final electrical safety inspection required by the California Code of Regulations, conducted by City inspectors, and before such final inspection has been noted on the permit card obtained from the City.
- G. The existence of any building having any or all of the conditions or defects hereinafter described:
- 1. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire

or panic.

2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1.5) times the working stress or stresses allowed in the Ceres Building Code for new buildings of similar structure, purpose, or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Ceres Building Code for new buildings of similar structure, purpose, or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in pike, so as to be capable of resisting a wind pressure of one-half of that specified in the Ceres Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Ceres Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used or is intended to be used.

10. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children; (b) a harbor for vagrants or criminals; or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City, as specified in the Ceres Building Code, Ceres Housing Code, or any applicable law or ordinance relating to the condition, location, or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six (66%) percent, of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or a structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Official or Code Enforcement to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Building Official, Fire Chief, peace officer or code officer to be a fire hazard.

17. The presence of electrical wiring and/or equipment that was installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that has not been maintained in good condition or that is not being used in a safe manner.

18. The presence of plumbing piping and/or fixtures that were installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that have not been maintained in good condition or that are not being used in a safe manner.

19. The presence of mechanical equipment that was installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that has not been maintained in good condition or that is not being used in a safe manner.

20. Whenever the horizontal or vertical weather protection of a structure because of obsolescence, dilapidated condition, deterioration, damage, lack of painted surfaces, faulty construction or other cause allows moisture to enter the structure.

21. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

22. Buildings which are defined as dangerous under Section 302 of the Uniform Code for the Abatement of Dangerous Buildings 1997 Edition of which is adopted by this reference, as though fully set forth herein.

H. The existence of any building or portion thereof used as a dwelling, dwelling unit, apartment, guest room or lodging house defined as having any or all of the conditions or defects described in the Ceres Housing Code or any of the following defects:

1. Lack of or nonfunctioning water closet in a dwelling unit or lodging house.
2. Lack of or nonfunctioning kitchen sink, including lack of hot and cold running water to sink in a dwelling unit or lodging house.
3. Lack of or nonfunctioning bathtub or shower in a dwelling unit or lodging house, including lack of hot and cold running water to bathtub or shower.
4. Lack of or nonfunctioning lavatory in a dwelling unit or lodging house, including lack of hot and cold running water to lavatory.
5. Lack of or nonfunctioning heating system in a dwelling unit or lodging house capable of heating all habitable spaces to seventy (70) degrees Fahrenheit at a point three (3) feet above the floor.
6. Lack of or improper operation of habitable space ventilation equipment.
7. Lack of minimum amounts of ventilation in a dwelling unit or lodging house in bathrooms and habitable spaces. Minimums shall be those amounts required by the Code under which the structure was built or current Code if installation or modification occurred without permits or inspections.
8. Lack of minimum amounts of natural light in a dwelling unit or lodging house in habitable spaces. Minimums shall be those amounts required by the Code under which the structure was built or current code if installation or modification occurred without permits or inspections.
9. Lack of or nonfunctioning permanent light fixture in a dwelling unit or lodging house in each bathroom, kitchen, and hall.
10. Lack of or nonfunctioning of a single electrical receptacle in a dwelling unit or lodging

house in each bathroom, laundry room, and habitable space.

11. Infestation of insects, vermin, or rodents as determined by the Health Officer or Building Official.

12. General dilapidation or improper maintenance.

13. Lack of functioning connection to required sewage disposal system.

14. Presence of any condition that can be described as a dangerous building.

15. Presence of any plumbing fixture which is cracked, chipped, or does not function.

16. Presence of any plumbing drain pipe which leaks, is blocked, or does not convey sanitary waste to a required sewage disposal system.

17. Presence of any potable water supply pipe which leaks, is blocked, or allows rust to enter the water supply.

18. Lack of or nonfunctioning cooking appliance in a dwelling unit. The meaning of “functioning” shall include, but not be limited to: all burners and heating elements operate correctly at all settings; all knobs and controls are present and operating; and all utility connections are in compliance with current codes.

19. Lack of or nonfunctioning refrigerator in a dwelling unit. The meaning of “functioning” shall include, but not be limited to: doors are gasketed and open, close, and latch properly; unit can maintain a minimum temperature of forty-five (45) degrees Fahrenheit.

20. Presence of a refrigerator or freezer with a door which cannot be opened from the inside.

21. Lack of or nonfunctioning or expired required fire extinguisher.

22. Presence of a mounted and displayed nonfunctioning or expired fire extinguisher in a commercial, industrial, hotel, motel, or apartment building (excluding the interior of individual dwelling units).

23. Lack of or nonfunctioning code-required smoke and/or heat detectors.

24. Lack of or the nonfunctioning of the required smoke detector(s) in a dwelling unit or lodging house located in the hallway leading to the sleeping rooms.

25. Presence of any window in a dwelling unit or lodging house which does not open and close completely when designed to do so, has missing or cracked glazing, has defective or missing security latches, or has missing or nonfunctioning insect screens.

26. Presence of any exterior door in a dwelling unit or lodging house which does not open and close properly, is missing locks or a locking device which does not function to secure the dwelling, or which lacks adequate weather stripping.

27. Lack of or nonfunctioning water heater in a dwelling unit or lodging house. "Nonfunctioning" means: does not heat water to one hundred ten (110) degrees Fahrenheit, lacks or has a nonfunctioning temperature and pressure relief valve, leaks gas or water, or has insufficient combustion air.

28. Presence of floor coverings in a dwelling unit or lodging house with holes, tears, or rips, or which are not attached to the floor structure or pose a tripping hazard.

29. Presence of interior walls in a dwelling unit or lodging house which have holes in drywall or loose wall materials.

30. Presence of electrical fixtures, switches, or receptacles which are missing cover plates.

31. Presence of mold, mildew, or fungus.

I. The existence of any structure, building, or a portion thereof which is open or maintained for the use, storage, manufacture, or distribution of "controlled substances" as defined in the California Health and Safety Code.

J. Any vehicle or portion thereof and/or any equipment located on private or public property or in the public right-of-way, or any nonresidential building or structure, being used for living or sleeping purposes, except for travel trailers being used on property properly zoned for such use.

K. The existence of any condition dangerous to children or others, including but not limited to unsecured structures, fences or portions of fences in disrepair, leaning, or partially down, abandoned, broken, unprotected, or unsecured equipment, machinery, or household appliances, or unprotected, unfenced, or unsecured pools, ponds, or excavations;

L. The existence of any condition or use which unlawfully obstructs, injures, or interferes with the free passage or use in the customary manner of property, any public park, street, highway, sidewalk, and any other portion of the public right-of-way;

M. The existence of any body of stagnant water or other liquid in which mosquitoes or other insects may breed, or which may or does generate noxious or offensive gases or odors;

N. The existence of any improperly contained accumulation of manure, human or animal feces, garbage or refuse which may serve as a breeding ground for flies, mosquitoes, rodents or other vermin, or which may or does generate noxious or offensive odors;

O. The existence of sewage, chemical, petroleum, commercial or industrial waste which has the potential to leak into the groundwater or may or does generate noxious or offensive odors;

The existence of any barbed wire, razor ribbon, glass, nails, or other sharp objects on, in, or affixed to any fence or wall, or any electric fences in or adjacent to a residential zoning district or property used for residential uses;

P. The existence of any sign, banner, balloon, flags (other than those of the United States of America and the State of California), inflated advertising device or the display of retail or manufactured products in the public right-of-way, which is not in compliance with this Code;

Q. The existence of graffiti on any building, fence, wall, equipment, motor vehicle, trailer, sign, or other object on private or public property or in the public right-of-way;

R. The existence of a use, business or activity in any zoning district that does not conform with the requirements of that zoning district in which it is located as set forth in this Code; or which does not conform with any discretionary permit or review approval by the Planning Commission or City Council; or which does not conform with any law, ordinance, or regulations adopted by the City applicable to the property;

S. The existence of smoke, fumes, gas, dust, soot, cinders, or other particulate matter in such quantities as to render the occupancy or use of property uncomfortable to a person or persons;

T. The existence of any condition or use which poses a threat to the public health or safety;

U. Storing, parking, keeping, or maintaining of operative vehicles, boats, vessels, trailers, or camper shells on any portion of a required front yard area other than the driveway or immediately adjacent paved driveway extension;

V. The existence of any building, or a portion thereof, used by members of a criminal street gang for the purpose of the commission of: robbery; unlawful homicide or manslaughter; the sale, possession for sale, transportation, manufacture, offer for sale or offer to manufacture controlled substances; shooting at an inhabited dwelling or occupied motor vehicle; discharging or permitting the discharge of a firearm from a motor vehicle; arson; the intimidation of witnesses and victims; grand theft; burglary; rape; looting; money laundering; kidnapping; mayhem; aggravated mayhem; torture; felony extortion; felony vandalism; carjacking; or sale, delivery or transfer of a firearm. As used in this chapter, "criminal street gang" means any ongoing organization, association or group of three (3) or more persons, whether formal or informal, having as one (1) of its primary activities the commission of one (1) or more of the criminal acts enumerated above, having a common name or common identifying sign or symbols, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

W. Making or emitting any noise uncomfortable to or annoying to a reasonable person, including, but not limited to:

1. Sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and sounding of any such

device for an unnecessary and unreasonable period of time;

2. Using, operating, or permitting to be placed, used or operated by radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section;

3. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

4. The discharge into the open air of the exhaust of any motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

5. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., except that, by special permit issued by the Building Inspector or City Engineer, as the case may be, upon a determination that the public health and safety will not be impaired thereby, the erection, demolition, alteration or repair of any building or the excavation of streets and highways may be permitted within the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.;

6. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;

7. Operation between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. of any machinery or appliance, use of which is attended by loud or unusual noise; and

8. The using or operating of any motor vehicle in a manner which creates shrill, piercing or loud noises which may be heard beyond the property lines of the property from which the subject noise is produced or caused.

X. Maintenance of any tree, shrub, or other vegetation such that it impairs passage along a public sidewalk, impairs the ability of drivers to see any traffic sign, impairs the ability of drivers to see other traffic, or blocks any street light;

Y. Maintenance of any sidewalk with a crack or hole of over one (1) inch displacement or otherwise in a condition preventing safe passage of pedestrians, wheelchairs or strollers.

Z. The existence of lights, lighted signs, or other devices that direct or reflect glare onto public right of way or neighboring properties;

AA. The existence of buildings which are vacant, abandoned, or boarded up in violation of the provisions or standards set forth in Chapter 6.06;

BB. The use of hog manure as fertilizer, unless the hog manure is turned into the soil within twenty-four (24) hours after it is spread;

CC. Maintenance of any building, vacant lot, premise, vehicle, or place in such manner as to permit the breeding or harboring therein or thereon of flies, bedbugs, cockroaches, black widow spiders, lice, fleas, or any other vermin.

DD. The existence of any structures or conditions which violates:

1. California Civil Code section 1941.1;

2. Any ordinance of the City adopted pursuant to Chapter 4 (commencing with Section 65800) of Division 1 of Title 7 of the California Government Code, or any other constitutional or statutory authority;

3. Any provision of Article 1 (commencing with Section 13100) of Chapter 1 of Part 2 of Division 12 of the California Health and Safety Code, and any City ordinances or regulations adopted pursuant to that Article;

4. Any provision of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the California Health and Safety Code) and any City ordinances or regulations adopted pursuant to that Article; or

5. Any provision of the California Building Standards Code (Title 24 of the California Code of Regulations).

19.08.090 Officer Powers.

Whenever the Building Official, Chief of Police or designee or Code Enforcement Officer or Fire Chief or designee determines that an imminent health and safety hazard exists that requires immediate correction or elimination, the Chief of Police or designee or Code Enforcement Officer or Fire Chief or designee may exercise the following powers without prior notice to the Responsible Person:

A. Order the immediate eviction of any tenants and prohibit occupancy until all repairs are completed;

B. Post the premises as unsafe, substandard or dangerous;

C. Board, fence or secure the building or site;

- D. Remove the hazard that imminently affects the health and safety of the general public;
- E. Make any minimal emergency repairs as necessary to eliminate any imminent health and safety hazard; or
- F. Take any other action as appropriate under the circumstances.

19.08.100 Responsibility for Property Management.

A. Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee, tenant, or holder of any interest in property, or any party having charge or control of any parcel of land, improved or unimproved, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed on the owner thereof shall in no instance relieve those persons referred to from the similar duty.

C. The same responsibility extends to the public rights-of-way or public land, related to any vehicle, vessel, structure, machinery, container, refuse, debris, or other item found to be or having been under the charge or control of a property owner, responsible party, or last registered or documented owner. Any owner or responsible party shall be responsible for the removal or correction of any nuisance or nuisance conditions and the costs for such removal or correction.

19.08.110 Procedures.

A. The Chief of Police or Code Enforcement Officer shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the summary abatement process shall be assessed, collected and recovered against the Responsible Person through the procedures set forth in this Title.

B. The Chief of Police or Code Enforcement Officer may also pursue any other administrative or judicial remedy to abate any remaining public nuisance.

Chapter 09

SUMMARY ABATEMENT

Sections:

19.09.010 Summary Abatement.

19.09.010 Summary Abatement.

A. Any nuisance which the City Engineer, or Fire Chief, determines is immediately or potentially dangerous to the life, health or safety of the occupants of the property or to the public may be summarily abated in accordance with the procedures set forth in this article.

B. Actions taken to abate immediately or potentially dangerous nuisances may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the condition exists or any other abatement action determined by the Chief of Police, building official or Fire Chief to be necessary. Where a residential rental property is involved, this may require the moving and relocation of the occupants by the owner and/or responsible party to other habitable temporary or permanent accommodations. Any temporary accommodations will be maintained by the owner and/or responsible party until the corrections are done to the vacated residential property so that it is habitable and the occupants are returned.

C. When summary abatement is deemed necessary by Chief of Police or designee, building official or Fire Chief, it may be ordered only if the abatement order is confirmed by the City Manager.

D. Notice of the summary abatement shall be provided to the owner or responsible party as provided for in this chapter the same day or as soon as practical.

E. The costs and expenses for summary abatement, if not paid by the property owner within thirty (30) days of the date of the invoice, shall be made a lien on the property by the City Council and shall be collected pursuant to the procedures set forth in Chapter 19.12 for the assessment and collection of liens.

Chapter 10

ADMINISTRATIVE CIVIL PENALTIES

Sections:

- 19.10.010 Declaration of Purpose.**
- 19.10.020 Authority.**
- 19.10.030 Procedures—Issuance of Notice and Order.**
- 19.10.040 Determination of Civil Penalties.**
- 19.10.050 Recovery of Civil Penalties.**
- 19.10.060 Cancellation of Code Enforcement Lien—Notice of Satisfaction.**
- 19.10.070 Administrative Costs.**
- 19.10.080 Failure to Comply With Notice And Order.**
- 19.10.090 Civil Penalties Hearing.**

19.10.010 Declaration of Purpose.

The Council finds that there is a need for an alternative method of enforcement for enforcing more serious violations of this Municipal Code and applicable state codes. The Council further finds that the assessment of civil penalties through an administrative hearing procedure for code violations is a necessary alternative method of code enforcement. The administrative assessment of civil penalties is in addition to any other administrative or judicial remedy established by law which may be pursued to address serious violations of the Municipal Code or applicable state codes.

19.10.020 Authority.

A. Any person violating any provision of the Municipal Code or applicable state code may be subject to the assessment of civil penalties pursuant to the administrative procedures provided in this Chapter. Unless otherwise specified, upon a third or subsequent conviction of the same section of any provision of this Code, designated punishable as an infraction, committed within a period of one year, the fourth violation may, at the discretion of the Enforcement Officer or city attorney, be charged as a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1000.00) or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. The imposition of these administrative civil penalties shall be imposed in accordance with other provisions of this Code and state law.

B. Each and every day a violation of any provision of the Municipal Code or applicable state code exists constitutes a separate and distinct violation.

C. Civil penalties may be directly assessed in conjunction with a Notice and Order issued by the Chief of Police or Code Enforcement Officer, or affirmed by a Hearing Officer. Civil penalties assessed shall be collected in accordance with the procedures specified in this Title.

D. Civil penalties for violations of any provision of the Municipal Code or applicable state codes shall be assessed at a daily rate determined by the Chief of Police, Code Enforcement Officer, or Hearing Officer pursuant to the criteria listed in Section 19.10.040 of this Chapter. Except as

authorized pursuant to State and Federal laws, the maximum civil penalty shall be one thousand dollars (\$1,000.00) per violation per day with the maximum amount of civil penalties not exceeding one hundred thousand dollars (\$100,000.00) per parcel or structure for any related series of violations in a year.

19.10.030 Procedures–Issuance of Notice and Order.

A. Whenever the Chief of Police or Code Enforcement Officer determines that a violation of one or more provisions of the Municipal Code or applicable state codes has occurred or continues to exist, a civil penalty may be issued in conjunction with a Notice and Order to the Responsible Person.

B. The Notice and Order shall refer to all code sections violated and describe how each section is or has been violated.

C. The Notice and Order shall refer to the dates and locations of the violations.

D. The Notice and Order shall address the action required to correct the outstanding violations and establish time frames for completion.

E. The Notice and Order shall establish a daily amount of civil penalties. The Chief of Police or Code Enforcement Officer shall determine the daily amount of civil penalties pursuant to the criteria in Section 19.10.040 of this Chapter.

F. The Notice and Order shall identify a date when the civil penalties began to accrue and a date when the assessment of civil penalties ended, unless the violation is continuous. In the case of a continuous violation, there shall be an ongoing assessment of penalties at the daily rate established in the Notice and Order until the violations are corrected.

G. If a Chief of Police or Code Enforcement Officer determines that the violations are continuing, the Notice and Order shall demand that the Responsible Person cease and desist from further action causing the violations, or take affirmative action to cease from maintaining or permitting the violation to exist, and commence and complete all action to correct the outstanding violations under the guidance of the appropriate City Departments.

H. The Notice and Order shall enumerate any other consequences should the Responsible Person fail to comply with the terms and deadlines as prescribed in the Notice and Order.

I. The Notice and Order shall identify appropriate hearing procedures as required by Chapter 19.11 of this Title.

J. The Notice and Order shall be served upon the Responsible Person by any one of the methods of service listed in Section 19.01.070 of this Title.

K. The Notice and Order shall identify the factors used by the Chief of Police or Code Enforcement Officer in determining the duration and the daily amount of civil penalties.

L. More than one Notice and Order may be issued against the same Responsible Person if it encompasses either different dates or different violations.

19.10.040 Determination of Civil Penalties.

A. In determining the date when civil penalties started to accrue, a Chief of Police or Code Enforcement Officer may consider the date when the Department first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence.

B. The assessment of civil penalties shall end when all action required by the Notice and Order has been completed.

C. In determining the amount of the civil penalty to be assessed on a daily rate, the Chief of Police or Code Enforcement Officer may consider some or all of the following factors:

1. The duration of the violation;
2. The frequency or recurrence of the violation;
3. The seriousness of the violation;
4. The history of the violation;
5. The Responsible Person's conduct after issuance of the Notice and Order;
6. The good faith effort by the Responsible Person to comply;
7. The economic impact of the penalty on the Responsible Person;
8. The impact of the violation upon the community;
9. Any other factors that justice may require.

19.10.050 Recovery of Civil Penalties.

The Chief of Police or Code Enforcement Officer may collect all civil penalties and related administrative costs by the use of all appropriate legal means, including, but not limited to, the recordation of a Code Enforcement Lien pursuant to the procedures set forth in this Title. If unable to collect the obligation, the Chief of Police or Code Enforcement Officer may refer the obligation to the City Attorney to file a court action to recover these penalties and costs.

19.10.060 Cancellation of Code Enforcement Lien–Notice of Satisfaction.

Once payment in full is received for the outstanding civil penalties and costs or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Chief of Police or Code Enforcement Officer shall, within ten (10) days from the date payment is made or decision is final, record a Notice of Satisfaction with the County Recorder's office. The Notice of

Satisfaction shall include the same information as provided for in the original Code Enforcement Lien. Such Notice of Satisfaction shall cancel the Code Enforcement Lien.

19.10.070 Administrative Costs.

The Chief of Police, Code Enforcement Officer or Hearing Officer is authorized to assess any reasonable administrative costs. Administrative costs may include scheduling and processing the hearing and all subsequent actions pursuant to Sections 19.05.070.

19.10.080 Failure to Comply With Notice And Order.

The Chief of Police or Code Enforcement Officer shall request the City Manager to appoint a Hearing Officer and the Chief of Police or Code Enforcement Officer shall establish a date, time and place for the civil penalties hearing in accordance with Section 19.10.090 of this Title when the Responsible Person fails to comply with the terms of the Notice and Order. Failure to comply includes failure to pay the assessed civil penalties, failure to commence and complete corrections by the established deadlines or failure to refrain from continuing violations of the Municipal Code or applicable state codes.

19.10.090 Civil Penalties Hearing.

A. The procedures for the civil penalties hearing are the same as the hearing procedures set forth in Chapter 19.11 of this Title.

B. The Hearing Officer shall only consider evidence that is relevant to the following issues: (1) whether the Responsible Person has caused or maintained a violation of the Municipal Code or applicable state code that existed on the dates specified in the Notice and Order; and (2) whether the amount of civil penalties assessed by the Chief of Police or Code Enforcement Officer pursuant to the procedures and criteria outlined in Section 19.10.040 was reasonable.

Chapter 11

ADMINISTRATIVE HEARINGS

Sections:

- 19.11.010** Administrative Hearing Procedures.
- 19.11.020** Qualifications of Administrative Hearing Officer.
- 19.11.030** Appointment of Administrative Hearing Officer.
- 19.11.040** Disqualification of Hearing Officer.
- 19.11.050** Impartiality of Hearing Officer.
- 19.11.060** Powers of Hearing Officer.
- 19.11.070** Failure to Obey Subpoena.
- 19.11.080** Procedures for Requesting an Appeals Hearing.
- 19.11.090** Procedures for Notification of Administrative Hearing.
- 19.11.100** Procedures at Administrative Hearing.
- 19.11.110** Failure to Attend Administrative Hearing.
- 19.11.120** Administrative Order.
- 19.11.130** Judicial Review.
- 19.11.140** Failure to Comply With The Administrative Order–Misdemeanor.

19.11.010 Administrative Hearing Procedures.

This Chapter establishes the procedures for the use of Administrative Hearing Officers and the procedures governing administrative hearings.

19.11.020 Qualifications of Administrative Hearing Officer.

The City Manager shall retain qualified persons who are capable of acting on behalf of the City as Hearing Officer(s).

19.11.030 Appointment of Administrative Hearing Officer.

Hearing Officer(s) presiding at administrative hearings shall be appointed by the City Manager and compensated by the City. The City Manager shall develop policies and procedures relating to the appointment and compensation of Hearing Officers.

19.11.040 Disqualification of Hearing Officer.

Any person designated to serve as a Hearing Officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law. Rules and procedures for the disqualification of a Hearing Officer shall be promulgated by the City Manager.

19.11.050 Impartiality of Hearing Officer.

A. The employment, performance evaluation, compensation, and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of administrative citation penalties upheld by the Hearing Officer.

B. The Hearing Officer shall not transmit communications or otherwise use any electronic devices

during the course of a hearing, except in the case of exigent circumstances.

C. The Hearing Officer with any financial interest in the subject matter or who would otherwise be finally impacted by the resolution of the appeal, shall recuse themselves from the particular appeal.

19.11.060 Powers of Hearing Officer.

A. The Hearing Officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the Hearing Officer independently determines that due process has not been adequately afforded.

B. The Hearing Officer, upon receipt of a written request which is submitted no later than five (5) days before the hearing, shall subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena. The City Manager shall develop policies and procedures relating to the issuance of subpoenas in administrative hearings, including the form of the subpoena and related costs.

C. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, ensuring compliance with an Administrative Order, modifying an Administrative Order, or where extraordinary circumstances exist, granting a new hearing.

D. The Hearing Officer has the authority to require a Responsible Person to post a Code Enforcement Performance Bond to ensure compliance with an Administrative Order.

19.11.070 Failure to Obey Subpoena.

It is unlawful for any person to refuse to obey a subpoena issued by a Hearing Officer. Failure to obey a subpoena constitutes contempt and may be prosecuted as a misdemeanor.

19.11.080 Procedures for Requesting an Appeals Hearing.

A. A person served with any one of the following documents, orders or notices may file an appeal provided that such appeal is filed within ten (30) calendar days from the service of the notice or document, and payment of the required hearing fee is made:

1. Any Civil Penalty Notice and Order;
2. An Administrative Citation issued pursuant to this Code;
3. A Notice of Intent to Record a Notice of Violation;
4. A Notice of Intent to Abate, including Vehicle Abatement; or
5. A Notice and Order to Vacate with or without Relocation Fees;
6. A Notice of Confirmation of Costs hearing.

B. The appeal shall be made in writing, setting forth the grounds of the appeal, and filed with the Director or Code Enforcement Officer on or before the tenth day after service.

19.11.090 Procedures for Notification of Administrative Hearing.

A. Where an administrative remedy or proceeding provides for an appeal procedure, the Director or Code Enforcement Officer shall request the City Manager to appoint a Hearing Officer and to schedule a day, time and place for the hearing.

B. Written notice of the time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the Responsible Person.

C. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the City Manager.

D. The notice of hearing shall be served by any of the methods of service listed in Section 19.01.070 of this Title.

19.11.100 Procedures at Administrative Hearing.

A. Administrative hearings are intended to be informal in nature. The procedure and format of the administrative hearing shall follow the procedures promulgated by the City Manager. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State. However, irrelevant or unduly repetitious evidence may be excluded.

B. At the time and place designated in the notice, the Hearing Officer shall hear and consider all relevant evidence, including but not limited to applicable staff reports, oral evidence, physical evidence and documentary evidence regarding the alleged nuisance, and proposed method of abatement. The hearing may be continued from time to time.

C. The City shall bear the burden of proof to demonstrate, by a preponderance of the evidence, that a nuisance exists and that the proposed mechanism for abatement is appropriate. The City need not demonstrate that the proposed mechanism for abatement is either the most appropriate or least expensive.

D. Hearing Officer

E. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

F. A tape recording of the hearing will be made by the Hearing Officer and provided to the City Clerk, who shall keep it for not less than one hundred eighty (180) calendar days from the date of the hearing.

G. All persons present at the hearing shall identify themselves, including their name and address, on the record.

H. All witnesses shall be sworn.

I. Prior to conclusion of the hearing, if the owner or responsible party is present, the Hearing Officer may request the owner or responsible party to sign a consent to enter and perform work. The permission given shall be used only if the nuisance condition is determined to exist and is not abated by the schedule of correction specified in the Hearing Officer's decision.

J. If the owner or responsible party does not provide written consent, entry onto the property may be made by obtaining verbal permission from the owner or a responsible party, or by means of an inspection warrant, or by any other lawful manner.

19.11.110 Failure to Attend Administrative Hearing.

Failure of the owner or responsible party to appear at the hearing after notice has been served shall be deemed a waiver of the right to a hearing and an admission by the owner or responsible party of the existence of the nuisance condition charged. In the event of such failure to appear, the Hearing Officer may order that the nuisance condition be abated by the enforcement officer or designee. Such failure to appear shall also constitute a failure to exhaust available administrative remedies.

19.11.120 Administrative Order.

A. Within ten (10) days after the conclusion of the hearing, the Hearing Officer shall issue a written decision. Failure to issue a decision in ten (10) days shall not affect the validity of such decision.

B. The decision of the Hearing Officer shall be entitled "Administrative Order."

C. The decision shall be mailed by certified mail with return receipt requested to the owner and shall be mailed to the enforcement officer. A copy of a summary of the decision and any order it contains shall also be posted on the property by the enforcement officer in a conspicuous location.

D. Hearing Officer's Administrative Order shall affirm, modify, or reject the Chief of Police's or Code Enforcement Officer's action.

1. In the case of a Notice and Order of civil penalty, the Administrative Order may affirm, modify or reject the daily rate or duration of the civil penalties depending upon the review of the evidence and may increase or decrease the total amount of civil penalties and costs assessed.

E. The Hearing Officer may issue an Administrative Order that requires the Responsible Person to cease from violating the Municipal Code or applicable state codes and to make necessary corrections within a specific time frame. The Administrative Order may also promulgate the manner of abatement.

F. As part of the Administrative Order, the Hearing Officer may establish specific deadlines for the payment of penalties and costs and condition the total or partial assessment of civil penalties on the Responsible Person's ability to complete compliance by specified deadlines.

G. The Hearing Officer may issue an Administrative Order which imposes additional civil penalties that will continue to be assessed until the Responsible Person complies with the Hearing Officer's decision and corrects the violation.

H. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Administrative Order.

I. The Administrative Order shall become final on the date of service of the order.

J. The Administrative Order shall be served on all parties by any one of the methods listed in Section 19.01.070 of this Title.

19.11.130 Judicial Review.

Except as otherwise provided in this chapter or by law, any person aggrieved by any administrative decision of a Hearing Officer pursuant to this chapter may obtain judicial review of the administrative decision in the Superior Court by filing with the court a petition for writ of mandate pursuant to California Code of Civil Procedure section 1094.6.

19.11.140 Failure to Comply With The Administrative Order–Misdemeanor.

A. After the Hearing Officer issues an Administrative Order, the Chief of Police or Code Enforcement Officer shall monitor the violations and determine compliance.

B. Upon the failure of the Responsible Person to comply with the terms and deadlines set forth in the Administrative Order, the Chief of Police or Code Enforcement Officer may use all appropriate legal means to recover the civil penalties, administrative costs and obtain compliance with the Administrative Order including seeking an injunction.

C. Failure to comply with an Administrative Order constitutes a misdemeanor.

Chapter 12

RECOVERY OF ADMINISTRATIVE CODE ENFORCEMENT FINES, PENALTIES, FEES, AND COSTS

Sections:

- 19.12.010 Purpose.**
- 19.12.020 Code Enforcement Lien.**
- 19.12.030 Confirmation of Costs Administrative Hearing.**
- 19.12.040 Appealing Confirmation of Costs Administrative Hearing.**
- 19.12.050 Nuisance Abatement Lien.**
- 19.12.060 Recovery of Abatement Costs as a Personal Obligation.**
- 19.12.070 Recovery of Abatement Costs by Special Assessment Via Administrative Hearing.**
- 19.12.080 Recovery of Abatement Costs by Special Assessment via City Council.**

19.12.010 Purpose.

The purpose of this Chapter is the formal establishment of procedures for the recording of liens for the recovery of code enforcement fines, penalties, fees and costs resulting from code enforcement activities conducted pursuant to Title 19 of this Code. The recovery and collection procedures identified in this Chapter are not intended to be the exclusive recovery and collection procedures. All existing methods and procedures for recovery and collection provided in Title 19 of this Code shall continue in full force and effect. In addition, the procedures identified in this Chapter are not intended to limit in any manner the City's collection remedies as may exist under the existing or future laws of this State.

19.12.020 Code Enforcement Lien.

A. Once a final administrative decision or judicial order establishes the amount of administrative civil penalties, administrative citation, abatement costs, or fees and costs, assessed against a responsible party for Code violations, the Code Enforcement Officer may record a code enforcement lien against the real property owned by the responsible party.

B. Before recordation, the Code Enforcement Officer shall provide to the responsible party a written notice informing him or her that a code enforcement lien will be recorded unless the City receives full payment for the outstanding amount(s) due within the time period prescribed in the notice. Payment shall be due a minimum of forty-five (45) calendar days from the date of the mailing.

C. The Code Enforcement Officer shall serve this notice by the method of service set forth in Section 19.01.070 of this Title.

D. If the City does not receive payment of the outstanding amount(s) due within the prescribed time period, the Code Enforcement Officer may record the code enforcement lien.

E. The code enforcement lien shall include the name of the property owner and any affected financial institution, assessor's parcel number, the parcel's legal description, the total amount of

administrative civil penalties, administrative citations, abatement costs, and code enforcement fees and costs due, including a breakdown of said items, and a copy of the administrative or judicial order which awarded the administrative civil penalties, administrative citations, abatement costs, and code enforcement fees and costs.

F. A copy of the recorded code enforcement lien shall be served upon the responsible party by the method of service set forth in Section 19.01.070 of this Title.

G. The failure of any person with a financial interest in the property to actually receive the notice of lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding amount(s) due.

19.12.030 Confirmation of Costs Administrative Hearing.

A. After the City has abated a public nuisance, the Code Enforcement Officer shall request that the City Manager schedule a confirmation of costs hearing before the City's Administrative Hearing Officer in accordance with the administrative enforcement hearing procedures set forth in Chapter 19.11 of this Title. A confirmation of cost hearing is also appropriate if the City incurred abatement preparation costs before a responsible party voluntarily abated the public nuisance.

B. A notice of the date, time and place of the confirmation of costs hearing shall be served on the responsible party at least ten (10) calendar days prior to the scheduled hearing by the method set forth in Section 19.01.070 of this Title.

C. A copy of the report describing the work performed and an itemized account of the total abatement costs shall also be served on the responsible party at least ten (10) calendar days prior to the scheduled hearing by the method set forth in Section 19.01.070 of this Title.

D. The Administrative Hearing Officer at the confirmation of costs hearing shall limit the scope of review to the Code Enforcement Officer's report describing the work performed and the itemized account of costs, together with any objections to its accuracy. The Administrative Hearing Officer may make such revisions, corrections or modifications in the report or the account as may be just and reasonable.

E. Should the Administrative Hearing Officer confirm the abatement costs, he or she shall further order that the costs be assessed as a personal obligation of the responsible party, if the responsible party is not the owner of the real property abated. If the responsible party is the owner of the property abated, he or she shall order that the abatement costs are a special assessment against the real property abated by the City.

F. At the confirmation of costs hearing, the Administrative Hearing Officer shall not consider evidence regarding the merits of any previous abatement hearing or review the decision ordering the administrative or summary abatement.

G. The Administrative Hearing Officer's order confirming or modifying the amount of costs incurred by the City in performing the abatement shall be final.

19.12.040 Appealing Confirmation of Costs Administrative Hearing.

A. The Hearing Officer's decision regarding abatement costs shall be in writing and mailed to the owner or responsible party by certified mail with return receipt, or personally delivered, within ten (10) days from the date of the hearing. A copy shall be sent to the enforcement officer and the Finance Director. If the Hearing Officer orders payment of abatement costs, the decisions shall include an order that such costs be paid within thirty (30) calendar days to the Finance Director.

B. The failure to issue the Hearing Officer's decision within ten (10) days shall not affect the validity of such decisions.

C. The Hearing Officer's decision after the hearing shall be final, except to the extent that a protest is granted by the City Council pursuant to Title 1

19.12.050 Nuisance Abatement Lien.

A. Once a final administrative decision or judicial order establishes the amount of the abatement costs and related administrative costs, the Code Enforcement Officer may assess a nuisance abatement lien pursuant to Government Code Section 38773.1 by following the following procedures:

1. The Code Enforcement Officer shall give the owner of the parcel abated at least forty-five (45) days' notice of the City's intent to record a nuisance abatement lien. The notice shall advise the owner that if full payment of the abatement and related administrative costs are not paid within forty-five (45) days of service of the notice, a nuisance abatement lien will be recorded.

2. The notice shall be served in the same manner as summons in a civil action.

3. If the owner cannot be found after a diligent search, the notice may be served by posting it on the property for a period of ten (10) calendar days and by publication thereof in a newspaper of general circulation published in the county in which the property is located.

4. A nuisance abatement lien shall be recorded in the County Recorder's Office in the county in which the parcel of land is located and from the date of recording shall have the same force, affect, and priority of a judgment lien.

5. A nuisance abatement lien shall specify the amount of the lien, the name and address of the responsible City department, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

6. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge shall be recorded by the Code Enforcement Officer.

7. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment.

8. The City may recover from the property owner any costs incurred regarding the processing

and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

19.12.060 Recovery of Abatement Costs as a Personal Obligation.

If the Administrative Hearing Officer orders that abatement costs be charged as a personal obligation of the responsible party, the Code Enforcement Officer shall collect the obligation by use of all appropriate legal means. This may include the recordation of a code enforcement lien against any real property owned by the responsible party pursuant to the provisions set forth in Section 19.12.050. If unable to collect this obligation, the matter may be referred to the City Attorney to file a court action to recover the costs.

19.12.070 Recovery of Abatement Costs by Special Assessment Via Administrative Hearing.

A. If the Administrative Hearing Officer orders that abatement costs shall be charged against the property, the Code Enforcement Officer may prepare a notice of special assessment approved as to form by the City Attorney.

B. The Code Enforcement Officer shall deliver the notice of special assessment to the County Auditor who shall place it on the County Assessment Roll pursuant to Government Code Section 38773.5.

C. The notice of special assessment shall include a copy of the Administrative Hearing Officer's confirmation of costs order and shall summarize the abatement action. The Code Enforcement Officer may record a copy of this special assessment notice to inform any subsequent purchasers or owners about this abatement action and costs.

D. The notice of special assessment shall also be mailed to the property owner, if the property owner's identity can be determined from the County Assessor's or County Recorder's records. The notice shall be sent by certified mail and shall specify that the property may be sold after three (3) years by the tax collector for unpaid delinquent assessments.

E. The Code Enforcement Officer shall file a withdrawal of this notice with the County Recorder when either: (1) the responsible party pays in full the abatement costs; or (2) the County Auditor or Tax Collector posts a lien on the property pursuant to Government Code Section 38773.5.

F. Collection of Assessment—Penalties and Foreclosure. Pursuant to the provisions of Government Code Section 38773.5, the County Tax Collector may collect the amount of the assessment at the same time and in the same manner as ordinary municipal taxes, and impose the same penalties and procedures, including the sale of the property, in case of delinquency, as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the special assessment. The provisions of Government Code Sections 38772 through 38773.5, and any amendments to those sections, are hereby incorporated by reference and made a part of this Section.

As an alternative to the recovery of abatement costs by special assessment, the Code Enforcement Officer can record a nuisance abatement lien pursuant to the provisions set forth in this Section.

19.12.080 Recovery of Abatement Costs by Special Assessment via City Council.

A. Abatement costs are a civil debt owed to the City and, in addition to all other means of enforcement, may be enforced by means of a lien against the real property.

B. If payment of the abatement costs is not received by the Finance Department within thirty (30) calendar days of the date appearing on the invoice, the Finance Director shall notify the enforcement officer and the City Clerk. A hearing before the City Council for the purpose of adopting a resolution confirming and assessing the statement of costs shall be set by the City Clerk. Such hearing shall be for the sole purpose of the City Council assessing the unpaid costs as a lien and/or special assessment against the parcel or real property which was the subject of the nuisance abatement. The Council shall not rehear matters relating to whether or not a nuisance existed or it was appropriate to abate such a nuisance.

C. The enforcement officer shall file with the City Council a report:

1. Identifying the property from which the nuisance conditions were abated and the nuisance which was abated;
2. Describing the abatement work which was accomplished;
3. Listing the costs of abatement incurred by the City (and approved by the Hearing Officer if an appeal hearing was held pursuant to CMC 19.12.040); and
4. Setting forth all administrative costs and penalties imposed, if any.

D. A notice shall be delivered to the owner or responsible party in possession or control of the property upon which the nuisance exists or existed either in person or by certified mail with a return receipt, specifying the time and place when the City Council will hear and pass upon the report of the abatement costs, together with any objections or protests, if any, which may be raised by the owner or responsible party liable to be assessed for the abatement costs and any other interested person.

E. The City Council, by resolution, may declare the costs of abatement as a special assessment against the parcel or property upon which the nuisance condition was abated. The costs so assessed, if not paid within five (5) calendar days after confirmation by the City Council, shall become a lien on the property for the amount thereof from the time of recordation of the notice of lien and shall continue until the assessment is paid in full or until it is discharged of record. The failure of the City Council to declare the costs of abatement as a special assessment shall not relieve the property owner of the obligation to pay such costs as a civil debt unless the City Council shall expressly so provide.

F. After adoption of the resolution by the City Council, the City Clerk shall forward to the office of the Stanislaus County Assessor one (1) certified true copy of the resolution of the City Council confirming the statement of costs with the statement of costs attached thereto as an exhibit. The City Clerk also shall file in the office of the Stanislaus County Assessor a notice of lien certificate acceptable to the Stanislaus County Assessor.