

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF
PUBLIC NUISANCES AND RECOVERY OF COSTS
AND REPEAL OF ORDINANCE 106

8.08.01 REPEAL OF ORDINANCE 106

This ordinance repeals Ordinance 106.

8.08.05 DEFINITIONS

For the purpose of this ordinance, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended:

- A. "Abate" means to repair, replace, remove, destroy, or otherwise remedy the condition in question by such means and in such manner and to such an extent as the Health Safety Officer in his or her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.
- B. "Building" means any house, garage, duplex, apartment, condominium, stock cooperative and other residential and nonresidential structures.
- C. "Owner" means any person owning property, as shown on the last equalized assessment roll for city taxes.
- D. "Person" means any individual, partnership, corporation, association or other organization however formed.

8.08.10 FINDINGS

- A. The city council finds and determines that certain detrimental conditions, as set forth in the ordinance are becoming increasingly prevalent and substantial in significance and effect within the city. These conditions use city resources, cause a loss of property values, invite crime, accidents, fires and disease. The city council finds that these conditions offend the senses and interfere with the comfortable enjoyment of life and property.
- B. The city council further finds and determines that corrective measures set forth in this ordinance are undertaken to alleviate these conditions, to avoid further problems and to maintain and improve the social and economic standards of this community. The city council finds that it is a proper exercise of police power to protect the health, safety and welfare of the public. The city council further finds

that it is authorized by the State of California Government Code to enact the corrective measures outlined in this ordinance.

- C. It is further found and determined that the abatement of such conditions will enhance the appearance, appreciate the values and appearances of neighboring properties and benefit the use and enjoyment of properties in the city and will ultimately improve the tax base, and that the abatement procedures set forth in this ordinance are reasonable and afford the required due process.

8.08.20 NUISANCES DESIGNATED

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

- A. **Fire Hazards.** Dry or dead shrubs, dead trees, combustible refuse or waste or any material growing upon public rights-of-way or private property which by reason of its size, manner of growth or location creates a fire hazard to a building, improvement, crop or other property. Any material growing upon public rights-of-way or private property which because of its size, manner of growth or location creates a fire hazard to a building, improvement, crop or their property, which if dry would create a fire hazard, shall be deemed a fire hazard.
- B. **Hazardous Obstructions.** An obstacle, landscaping or thing installed or maintained in the corner setback area reaching a height higher than four feet above the adjoining top of the curb at the applicable corner of the street intersection, or four feet above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not mean existing or further permanent buildings, otherwise constructed or maintained in accordance with applicable building and zoning regulations, public utility poles, trees trimmed at the trunk at least nine feet above the level of the ground surface; provided, trees are spaced so the trunks do not obstruct the visions of motorists.
- C. **Polluted Water.** A swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water contained in a swimming pool, pond or other body of water, which includes but is not limited to, bacterial growth, including algae, remains of deceased animals, reptiles, rubbish, refuse, debris, papers or other foreign matter or material which creates an unhealthy, unsafe or unsightly condition.
- D. **Land where erosion, subsidence or surface water drainage problems exist.**

- E. Debris, rubbish or trash readily visible from public right-of-ways.
- F. Material or items of any nature stored on rooftops when visible from public rights-of-way.
- G. Maintenance of Property. It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this city to maintain or to allow to be maintained the property so that any of the following conditions exist thereon.
 - 1. Buildings which are abandoned, boarded up, partially destroyed or left in a state of partial construction for a period of more than thirty days.
 - 2. Unpainted buildings causing dry rot, warping and termite infestation.
 - 3. Broken windows which create a hazardous condition or invite trespassers or malicious mischief.
- H. Attractive nuisances are defined as any condition or thing that creates a danger to others, such as:
 - 1. Abandoned and/or broken equipment or vehicles.
 - 2. Hazardous pools, ponds and excavations.
 - 3. Neglected machinery or vehicles, broken or discarded household furnishing, including stoves, refrigerators and freezers.
 - 4. Anything which may endanger children or other persons whether in a building, on the premises of a building, or upon an unoccupied lot or parcel. This includes, but is not limited to, abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation.
- I. Maintenance of a premises in such conditions as to be detrimental to the public health, safety or general welfare or in such a manner as to constitute a public nuisance as defined in Civil Code Sections 3479 or 3480.
- J. Unoccupied buildings which have been left unattended or otherwise open or unsecured from intrusions by persons, animals or the elements and constitute a fire hazard.
- K. Temporary signs which advertise or are related to events which have already taken place.

- L. Maintenance of premises in such conditions as to cause substantial diminution of the enjoyment or use of property values of adjacent properties.
- M. Any building, driveway or structure, or portion of such building, driveway or structure which has any of the following conditions or defects:
 - 1. Significant damage by earthquake, wind flood, fire or by any other cause, which does not meet the minimum structural requirements set forth in the Uniform Building Codes.
 - 2. Whenever any portion or member or appurtenance thereof poses the danger of falling, detaching, dislodging or collapsing and injuring persons or damaging property.
 - 3. Whenever any building, portion of 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 place so as to be capable of resisting wind pressure, earthquake forces, live-load or dead-load as specified in the Uniform Building Code without exceeding the stressed permitted in the Uniform Building Code.
 - 4. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake that is required for safety.
 - 5. Whenever the building or structure or any portion thereof, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion of thereof, or some other cause is likely to completely collapse or some portion of the foundation or underpinning is likely to fall or give way.
 - 6. Whenever, for any reason whatsoever, the building or structure, or any portion thereof is unsafe for the purpose for which it is used.
 - 7. Any building which meets the definitions of a substandard building in the Uniform Housing Code.
 - 8. Buildings or structures maintained in violation of the Uniform Building Code.