

8.08.130 ABATEMENT BY CITY

- A. If such a nuisance is not abated as ordered within said abatement periods, the city clerk shall cause the same to be abated by city employees or private contract. The city clerk or his/her representative, is expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty days thereafter. The term "incidental expenses" means and includes, but is not limited to, personal costs, both direct and indirect, including attorney's fees; cost incurred in documenting the nuisance; the actual expenses and cost of the city in the preparation of notices, specifications and contracts and in inspecting the work; and the costs of printing and mailing required hereunder.
- B. A person shall not obstruct, impede, or interfere with the city clerk or his/her representative, or with any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary to or incidental to, carrying out an abatement order issued pursuant to Sections 8.08.080 or 8.08.095.

8.08.135 DEMOLITION

- A. Demolition shall be determined to be the method for abatement of a nuisance only when it is determined that is the only method to reasonably correct the nuisance.
- B. A copy of any order or resolution requiring abatement by demolition under Section 8.08.080 or 8.08.095 shall be forthwith recorded with the county recorder.

8.08.140 COSTS OF ABATEMENT-ACCOUNTING

- A. The Health and Safety Officer, planning commission or such other city official may be designated, shall keep an account of the costs (including incidental expenses) abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement or repairing of such premises, buildings or structures, including any salvage value relative thereto. A copy of the account shall be submitted to the city council to determine of the costs should be assessed against the owner. A copy of the account shall be served on the owner in accordance with Section 8.08.060, with a notice of the time when the city council shall determine if the costs shall be assessed against the owner.
- B. The city council shall review the costs before they are assessed against the owner to determine the corrections or reasonableness, or both, of such costs.

- C. "Incidental expenses" includes, but is not limited to, the actual expenses and costs to the city in the preparation of notice, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required under this ordinance.

#### 8.08.150 COSTS OF ABATEMENT-DECISION

At the time and place fixed for reviewing the account of costs of abatement, the council shall decide if the costs of abatement as stated in the account of costs are reasonable and shall consider any objections presented under Section 8.08.155. The council may modify the account of the costs of abatement as it may deem just and thereafter shall confirm the account by motion or resolution. The decision of the city council shall be final and conclusive.

#### 8.08.155 COSTS OF ABATEMENT-OBJECTIONS

- A. An owner may file a written objection to the account of costs of abatement with the city clerk at any time prior to the time set for the city council to review of the account of costs. The city clerk shall endorse each objection received and shall present such objections to the city council at the time set for review. No other objections shall be considered.

#### 8.08.160 COSTS OF ABATEMENT-ASSESSMENT

- A. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of liens, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.
- B. After such confirmation and recordation, a copy may be turned over to the tax collector for the city, whereupon it shall be the duty of the tax collector to add the amounts of the respective lots and parcels of land for municipal purposes, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or, after such recordation such liens may be foreclosed by judicial or other sale in the manner and means provided by law.
- C. Such notice of lien for recordation shall be in form substantially as follows:

## NOTICE OF LIEN

(Claim of City of Tulelake)

Pursuant to the authority vested by the provisions of Section 808.103 of Ordinance Number \_\_\_ of the City of Tulelake, the Planning Commission of the City of Tulelake did on or about the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, cause the premises hereinafter described to be rehabilitated or the building or structure on the property; and the City Council of the City of Tulelake did on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, assess the cost of such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$\_\_\_\_\_, and the same shall be a lien upon said real property until same has been paid in full and discharged of record.

The real property hereinafter mentioned and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Tulelake, State of California, and particularly described as follows:

(DESCRIPTION)

DATED: This \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
City of Tulelake Mayor

### 8.08.170 NOTICES

All notices are required to be in writing under this ordinance shall be by certified mail requiring a return receipt or shall be made by personal service upon the owner and shall be posted in the property in violation in a conspicuous manner.

### 8.08.180 VIOLATION-PENALTY

- A. The owner or other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this ordinance, or who violates any order of abatement, is guilty of an infraction.
- B. Any occupant or lessee in possession of any such building or structure who fails to vacate the building or structure in accordance with an order given as provided in this ordinance is guilty of an infraction.

- C. Any person who removes any notice or order posted as required in this ordinance, for the purpose of interfering with the enforcement of the provisions of this ordinance, is guilty of a misdemeanor.
- D. Any person who removes any notice or order posted required in this ordinance, for the purpose with any representative of a city department or with any person who owns or holds any estate or interest on a building which has been ordered to be vacated, repaired, rehabilitated or demolished, or with any person to whom the building has been lawfully sold pursuant to the provisions of this ordinance, when any of the aforementioned individuals are lawfully engaged in proceedings involving the abatement of a nuisance, is guilty of a misdemeanor.

#### 8.08.190 ALTERNATIVE PROCEEDINGS

Nothing in this ordinance shall be deemed to prevent the city council ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil Code or Penal Code provisions as an alternative to the proceedings set forth in this ordinance.

#### 8.08.195 EMERGENCY ABATEMENT

- A. Whenever any nuisance as defined herein constitutes an immediate hazard to life, health or property and, in the opinion of the planning commission or the city council, abatement must be undertaken within less than the designated period, the planning commission or city council may abate or cause to be abated all or any portion of the nuisance as may be necessary to protect life, health or property after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever when, in the opinion of the city council, immediate action is necessary.
- B. Whenever an emergency abatement action is taken pursuant to the preceding section, the planning commission or city council shall prepare a written report indicating the location of the nuisance and the reasons requiring emergency abatement thereof. A copy of this report shall be attached to or included as a part of notice to the owner of record when notice is given as previously provided in this ordinance.

This ordinance shall take effect thirty(30) days after its passage.

This ordinance shall be printed in the Lost River Star within fifteen (15) days after its passage.

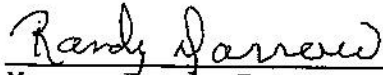
I HEREBY CERTIFY that the foregoing ordinance was introduced for first reading at a regular meeting of the City Council of the City of Tulelake held the 15th day of October, 2001, and thereafter adopted at a regular meeting of said Council held the 5th day of November, 2001, by the following vote, to wit;

AYES: Council Members: Rogers, Carroll, Darrow

NAYS: Council Members: VanMatre, Marcussen

ABSTAIN: Council Members: None

ABSENT: Council Members: None

  
\_\_\_\_\_  
Mayor Randy Darrow

Attest:  
  
\_\_\_\_\_  
Joe Cordonier  
City Clerk