

8.08.30 NOTICE BY HEALTH AND SAFETY OFFICER OR PLANNING COMMISSION

Whenever the Health and Safety Officer or the planning commission finds that a nuisance, as defined by Section 8.08.020, exists on any premises located within the city, he/she/it shall; notify the property owner of the nuisance and direct abatement of the nuisance. Notice of such nuisance and abatement shall be provided for in Section 8.08.170. The notice shall detail the violations and establish a reasonable abatement period, which, if not otherwise specified, shall be fifteen days.

8.08.40 VOLUNTARY ABATEMENT

The owner or tenant of any building, structure or property found to be a nuisance under the provisions of this ordinance may abate the nuisance at any time within the abatement period by rehabilitation, removal or demolition. The Health and Safety Officer or the planning commission shall be advised of the abatement and shall inspect the premises to insure the nuisance has been abated.

8.08.50 FAILURE TO VOLUNTARILY ABATE

If a nuisance is not properly abated within the period established under the provisions of Section 8.08.30, then the planning commission shall hold a public hearing to determine if the nuisance should be abated under the police powers of the city. In the event that there is no planning commission in existence when a nuisance is not properly abated, then the city council shall as soon as is practicable appoint one of its members or another disinterested person to serve as the hearing officer for the public hearing to determine if the nuisance should be abated. If a member of the city council is selected to act as the hearing officer, that member shall not participate as a council member in any appellate review under Section 8.08.095.

8.08.60 PUBLIC HEARING-NOTICE-SERVICE

A written notice of public hearing, substantially in the form established in Section 8.08.070, shall be served on the property owner at least ten days prior to the date set for the public hearing under Section 8.08.050. Service shall be made as provided for in Section 8.08.170. The failure of any person to receive such notice shall not affect the validity of the proceedings.

8.08.70 PUBLIC HEARING-NOTICE-FORM

Notice substantially in the following form shall be given as provided in Section 8.08.050:

NOTICE OF PUBLIC HEARING TO DETERMINE
EXISTENCE OF PUBLIC NUISANCE
AND TO ABATE IN WHOLE OR IN PART

Notice is hereby given that on the ____ day of _____, 20____, the City of Tulelake will hold a public hearing at _____ to ascertain whether certain premises situated within the City of Tulelake, State of California, known as _____ constitutes a public nuisance subject to abatement by rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or in part, are found to constitute a public nuisance as defined in Section 8.08.020 of Ordinance No. ____ and if same are not promptly abated by the owner such nuisance may be averted by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such premises and such cost will constitute a lien upon such land until paid.

Said alleged violations consist of the following:

Said methods of abatement available are:

All persons having any objections to, or in said matters are hereby notified to attend a hearing to be held on the ____ day of _____, 20____, at the hour of ____ M. when their testimony and evidence will be heard and given due consideration.

Dated: This ____ day of _____, 20____.

CHAIRMAN OF THE PLANNING COMMISSION (OR APPOINTED HEARING OFFICER)

8.08.80 PUBLIC HEARING-CONDUCT

The time and places stated in the notice of public hearing, the planning commission OR APPOINTED HEARING OFFICER shall hear and consider all relevant evidence, objections or protests and shall receive testimony for owners, witnesses, city personnel and interested persons relative to such alleged public nuisance and to propose abatement

measures. The hearing may be continued from time to time. The planning commission or appointed hearing officer shall make findings of facts as to whether a nuisance exists, the method for abating the nuisance and the time within which the nuisance shall be abated. The findings of fact shall be called the "abatement order." If there is no appeal of the abatement order pursuant to Section 8.08.090, the abatement order shall be final and binding upon the owner.

8.08.90 APPEAL PROCEDURE-HEARING BY CITY COUNCIL

- A. The owner may appeal the abatement order made pursuant to the Section 8.08.080 to the city council by filing an appeal with the city clerk within seven calendar days of the date of the service of the abatement order. The appeal shall contain:
1. A specific identification of the subject property.
 2. The names and addresses of all appellants.
 3. A statement of appellant's legal interest in the subject property.
 4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof.
 5. The date and signature of all appellants.
 6. The verification of a least one appellant as to the truth of the matters stated in the appeal.
- B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be not less than seven calendar days not more than thirty calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and the place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuance of the hearings may be granted by the council on request of the owner for good cause shown, or on the council's own motion.

8.08.95 HEARING PROCEDURE BEFORE THE CITY COUNCIL

- A. All hearings shall be tape recorded.
- B. Hearings need not be conducted according to the technical rules of evidence.

- C. Any relevant evidence, including hearsay, 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 action in courts of competent jurisdiction in this state.
- D. Oral evidence shall be taken only on oath or affirmation.
- E. Irrelevant and unduly repetitious evidence shall be excluded.
- F. Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event less than thirty. The decision and order of the council shall be final.

8.08.100 JUDICIAL APPEAL

An owner must bring an action to contest such decision of the city council within fifteen days after the date of such decision of the city council. Otherwise, all objections to the decision of the council shall be deemed waived.

8.08.110 SERVICE OF ABATEMENT ORDER

Within five days following the decisions pursuant to Section 8.08.080, the owner shall be served with a copy of the written order of the public hearing in the manner provided in Section 8.08.060.

8.08.120 ABATEMENT BY PROPERTY OWNER

The owner may, at his own expense, abate the nuisance as prescribed by the abatement order prior to the expiration of the abatement periods set forth in the order. If the nuisance has been inspected by the Health and Safety Officer or the planning commission and has been abated in accordance with the order, proceedings shall be terminated.