

AGENDA REPORT



**Adopted / Approved
By Red Bluff City Council**

Initial NR
Deputy City Clerk
City of Red Bluff

Date 7/18/23

4-0-1

Meeting Date: July 18, 2023
Agenda Item # 10
City Manager Approval: TW

Strock Excused

TO: Honorable Mayor and Members of the City Council

FROM: Tom Westbrook, City Manager

SUBJECT: Ordinance 1074 of the City of Red Bluff City Council, Approving Red Bluff Municipal Code Amendments to Chapter 15 Nuisances and Associated CEQA Determination

RECOMMENDED COUNCIL ACTION:

Waive the second reading except by title and adopt Ordinance No. 1074 to amend Chapter 15 Nuisances in the Red Bluff Municipal Code.

SUMMARY:

Chapter 15 of the Red Bluff Municipal Code regulates nuisances within the City of Red Bluff. While the current provisions of Chapter 15 are adequate to identify nuisances it lacks the proper steps to address violations. To that end, staff has prepared an updated Chapter 15 which if adopted, would regulate nuisances within the City.

PREVIOUS COUNCIL ACTION:

On January 21, 1986 the City Council adopted Ordinance No. 756 which regulates nuisances within the City of Red Bluff. Since 1986 there have been no updates to Chapter 15 – Nuisance of the Red Bluff Municipal Code.

On June 6, 2023, the City Council and the public were presented with a DRAFT copy of Chapter 15 – Nuisances to review ahead of the June 20th meeting.

On June 20, 2023, the City Council held a public hearing regarding the updates to Chapter 15 – Nuisances and by a 5-0 vote, introduced and waived the first reading of Ordinance No.1074.

DISCUSSION:

The updates to Chapter 15 will provide a framework for the City to address nuisance violations within the City including blighted properties, neglected buildings as well as dangerous buildings. For those properties and buildings not in compliance they may be subjected to Notice of Violations and Administrative Citations, both of which carry a fine if the violations are not addressed. Included below are some highlights of the updates to Chapter 15:

- Defines nuisance and blighted properties.

The City of Red Bluff is an Equal Opportunity Provider

- Establishes financial penalties for failure to comply with nuisance provisions.
- Establishes a process for Notice of Violations.
- Establishes a process for Administrative Citations.
- Creates a hearing process for those objecting or disputing Notice of Violations, Administrative Citations or penalties.
- Provides a process for abatement of properties by the City of Red Bluff, when actions are not completed by property owner or responsible party.
- Allows for the abatement of immediately dangerous buildings and conditions.
- Creates a process to lien a property that fails to pay penalties.
- Provides a process to address neglected vacant buildings or properties.

At the June 20th meeting there were some suggested edits by the City Attorney which have been incorporated in the final version of Chapter 15. A summary of those changes are below:

- Section 15.3 - Provide a definition of visual blight.
- Section 15.4 A.2. - Add certified mail and return mail receipt to Service of Notices.
- All Sections – Remove “Administrative Hearing” and replace with “Hearing Officer”.
- Section 15.8 – Advance deposit hardship waiver added language for City Manager to approve or deny requests.
- Section 15.8 – Request for a hearing added advance deposit is 50% of any fine/penalty amount.

With adoption of Chapter 15, the City of Red Bluff will have the tools necessary to not only identify nuisances but to gain compliance for all properties (residential, commercial and industrial) within the City. The updates to Chapter 15 represent a significant shift in the administration and enforcement of nuisances within the City of Red Bluff that have not been utilized for the last few decades. The goal of the Chapter 15 Nuisance update is to not seek revenue through fines/penalties from our residents, business and property owners but rather to gain compliance and regulate the condition of properties/buildings to enhance the overall aesthetics and reduce blight within the community.

Staff suggests rolling this out with the City sending courtesy notices for the first 90 days after the ordinance becomes effective. Once the initial 90-day courtesy notice period ends then City would begin sending Notice of Violations and if the nuisance is not corrected, Administrative Citations. Typical process for addressing a nuisance violation would be a 10-day Courtesy Notice, if not corrected, a 30-day Notice of Violation and if not corrected a \$100 Administrative Citation for the first offense, \$250 for the second and \$500 for the third.

CITY FISCAL IMPACT:

The adopted 2023/2024 Budget includes a part time position within the Community Development Department for Code Enforcement Officer, which would enforce Chapter 15 of the Red Bluff Municipal Code.

ATTACHMENTS:

- A. Ordinance 1074 - Amendments to Chapter 15 - Nuisance

ORDINANCE NO. 1074

**ORDINANCE 1074 OF THE CITY OF RED BLUFF CITY COUNCIL, APPROVING
RED BLUFF MUNICIPAL CODE AMENDMENTS TO CHAPTER 15 NUISANCES AND
ASSOCIATED CEQA DETERMINATION**

WHEREAS, the City Council of the City of Red Bluff, California held a duly noticed Public Hearing to consider the matter on June 20, 2023, as provided by law and by a 5-0 vote waived the first reading of Ordinance 1074; and,

WHEREAS, Chapter 15: Nuisances of the Red Bluff Municipal Code regulates all nuisances within the City of Red Bluff; and,


WHEREAS, amendments to Chapter 15: Nuisances are included and attached as Exhibit A; and,

WHEREAS, the City Council determined that the proposed Municipal Code Amendments to Chapter 15: Nuisances comply with the California Environmental Quality Act pursuant to Article 19. Categorical Exemptions Section 15308, Class 8.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Red Bluff does adopt the Red Bluff Municipal Code Amendments to Chapter 15: Nuisances and associated CEQA determination.

THE CITY COUNCIL OF THE CITY OF RED BLUFF DOES ORDAIN AS FOLLOWS:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Clay Parker, Mayor Pro Tem
SECONDER:	Patrick Hurton, Councilmember
AYES:	Patrick Hurton, J.R. Gonzales, Clay Parker, Kris Deiters
EXCUSED:	Cody Strock


Kris Deiters, Mayor

ATTEST:


Anita Rice, Deputy City Clerk

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CHAPTER 15: NUISANCES

Article

I. GENERAL PROVISIONS

ARTICLE I: GENERAL PROVISIONS

Section

- 15.1 Nuisance defined
- 15.2 Blighted property defined
- 15.3 Definitions
- 15.4 Service of notices
- 15.5 General penalty
- 15.6 Reserved
- 15.7 Notice of violation
- 15.8 Administrative citations
- 15.9 Administrative penalties and abatement
- 15.10 Unlawful conditions
- 15.11 Request for hearing
- 15.12 Penalty and abatement orders
- 15.13 Abatement by City
- 15.14 Recovery of penalties and abatement costs
- 15.15 Abatement of properties, buildings and conditions
- 15.16 Immediately dangerous buildings and conditions
- 15.17 Dangerous buildings
- 15.18 Notice of pendency/lien of action
- 15.19 Notice of final disposition of abatement action
- 15.20 Substandard building, public nuisances, and blighted conditions

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15.21 Immediately dangerous building, dangerous buildings, substandard buildings, public nuisances, and blighted conditions – violation

15.22 Neglected vacant buildings

§ 15.1 NUISANCE DEFINED.

It is declared a public nuisance for any person owning, leasing, subleasing, occupying, or having charge or possession of any property in this city to maintain such property in such a manner that any one or more of the following conditions or activities are found to exist.

- A. The keeping, storage, depositing, or accumulation on the property of any personal property that is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values. For purposes of this section, "personal property" includes, but is not limited to, junk as defined in Section 15.3 of this chapter; abandoned, wrecked or dismantled automobiles; abandoned, wrecked, dismantled, or not seaworthy boats or vessels; automotive parts and equipment; appliances; furniture; containers; packing materials; scrap metal; wood; building materials; rubbish and debris. Wood and building materials being used or to be used for a project of repair or renovation for which an active building permit is in existence may be stored for such period of time as is necessary to expeditiously complete the project. Upon finalization, expiration or cancellation of the permit, the wood and building materials of any nature for the project must be immediately removed.
- B. The keeping, storage, depositing or accumulation on the property of any dead grass, weeds, brush, combustible materials, or rubbish of any kind in such a manner as to constitute a fire hazard, or any manure, dead animals, decayed vegetables, offal, or other similar matter that is in the view of persons on adjacent or nearby real property or the public right-of-way when such items constitutes visual blight, a danger to the health, safety or welfare of the public, reduces the aesthetic appearance of the neighborhood, or is offensive to the senses or is detrimental to nearby property or property values.
- C. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that 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.
- D. The operation of a junk yard or automobile dismantling yard, except in the M-2, General Industrial district.
- E. Any dangerous, unsightly or blighted condition that is detrimental to the health, safety or welfare of the public.

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- F. Any condition in violation of Chapter 5 (Animals and Fowl) of the Red Bluff Municipal Code.
- G. Any condition in violation of Chapter 8 (Fire Department) of the Red Bluff Municipal Code or in violation of the California Fire Code.
- H. Any condition in violation of Chapter 5 (Building and Construction) of the Red Bluff Municipal Code.
- I. Faulty Materials of Construction. Faulty materials of construction shall include all materials of construction except those that are specifically allowed or approved by Red Bluff Municipal Code, the California Building Code, and any other code adopted by the city, and that have been adequately maintained in good and safe condition.
- J. Hazardous or Unsanitary Properties. Hazardous or unsanitary properties shall include those properties on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions that, in the opinion of city officials or the health officer, constitute fire, health or safety hazards.
- K. Unsafe Building. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance or any other reason, in accordance with the Red Bluff Municipal Code, the California Building Code, the California Fire Code or any other code adopted by the city.
- L. Inadequate Exits.
 - 1. Inadequate exits includes all buildings or portions thereof not provided with adequate exit facilities as required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law, or ordinance now or hereinafter enacted, inadequate exits shall not include those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained in a good and safe condition and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
 - 2. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.
- M. Inadequate Fire-Protection or Fire-Fighting Equipment. Inadequate fire-protection or fire-fighting equipment includes all buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate fire-protection or fire-fighting equipment shall not include those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-

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extinguishing systems or equipment have been adequately maintained in good and safe condition and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

- N. Improper Occupancy. Improper occupancy includes all buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for such occupancies.
- O. Inadequate Structural Resistance. Inadequate structural resistance includes all buildings or portions thereof not constructed with adequate structural resistance to horizontal forces as required by the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate structural resistance shall not include any building that conformed with all applicable laws at the time of its construction and that has been adequately maintained in a good and safe condition and is being used in a safe manner.

§ 15.2 BLIGHTED PROPERTY DEFINED

Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purposes of this chapter:

- A. Abandoned Building or Structure.
 - 1. A building or structure that is not being inhabited, occupied or used, and is unsecured. For purposes of this section, a building or structure is unsecured when the public can gain unimpeded or undeterred entry without the consent of the owner.
 - 2. A partially constructed, reconstructed, or demolished building or structure upon which work is abandoned.
- B. Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.
- C. A Building or Structure that is in a State of Disrepair.
 - 1. Exterior wall and/or roof coverings that have become deteriorated and do not provide adequate weather protection.
 - 2. Broken or missing windows or doors that constitute a hazardous condition or a potential attraction to trespassers.
 - 3. Building exteriors, walls, fences, and retaining walls that are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety; and driveways or walkways that are broken, deteriorated, or substantially

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defaced to the extent that the disrepair presents an endangerment to public safety. For purposes of this subsection, defacing includes, without limitation, writings, inscriptions, figures, scratches or other markings commonly referred to as "graffiti."

4. Building exteriors, walls, fences, or retaining walls on which any painted surface is peeling, disintegrating, or sloughing-off to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety.

D. Property Inadequately Maintained.

1. Overgrown, diseased, dead or decayed trees, weeds, or other vegetation that:
 - a. Constitute a fire hazard or a condition considered dangerous to the public health, safety and general welfare;
 - b. Are likely to harbor rats, vermin, and other nuisances; or
 - c. Detract from the property values of neighboring properties.
2. Landscaping that is not installed or maintained as required by this code or any permit issued pursuant to this code.
3. Solid waste, which by reason of its location and character either detrimentally impacts the surrounding neighborhood or community, or which is allowed or permitted to be transported by wind or otherwise onto or upon a public street, alley, or sidewalk. For purposes of this subsection, solid waste means all putrescible and nonputrescible solid and semisolid waste material including without limitation garbage, rubbish, demolition and construction wastes, industrial wastes, vegetable and animal solid and semisolid wastes, reusable or recyclable material, bulky goods, and other discarded solid and semisolid wastes.
4. Substantial accumulation of dirt, litter, or debris in vestibules or doorways of residential, commercial, or industrial buildings.
5. Any swimming pool that is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted water. For purposes of this subsection, "polluted water" means water which contains bacterial growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or material constitutes an unhealthy or unsafe condition or water which is defined as "polluted water" or other similar term under state or federal law.

E. Property that Creates a Dangerous Condition.

1. Land having a topography, geology or configuration which, as a result of grading operations or improvements to such land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems so as to pose a threat to or be injurious to adjacent properties.

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2. Any condition or object maintained on private property that obscures the visibility to the public of public streets or public street intersections to such a degree as to constitute a hazard. Such conditions include without limitation vehicles, landscaping, fencing and signs.
 3. Conditions that due to their accessibility to the public may prove hazardous or dangerous, including without limitation:
 - a. Unused and broken equipment;
 - b. Abandoned wells, shafts or basements;
 - c. Hazardous or unprotected pools, ponds, or excavations with barriers and/or fences that are dilapidated and unsafe;
 - d. Structurally unsound fences, walls or structures;
 - e. Machinery that is inadequately secured or protected;
 - f. Lumber, trash, fences, solid waste or debris that may prove a hazard for the public. For purposes of this subsection, solid waste is defined as set forth in subsection (D)(3) of this section;
 - g. Storing or keeping chemicals, gasoline, motor oil, or other substances that may prove a hazard to the public.
- F. Signage Conditions.
1. Signs that have not been maintained or are in a state of disrepair for a period of more than thirty days, including without limitation, broken signs, signs with missing parts, panels, letters or light bulbs, signs with exposed wiring, or signs out of plumb.
 2. Signs that are unsafe, dangerous to the public, or a hazard to traffic.
 3. Illegal signs.
 4. Abandoned signs as defined in Section 8 of the City of Red Bluff Sign Regulations .
 6. Defaced Signs. For purposes of this subsection, defacing includes without limitation, unauthorized, unrelated or offensive writing, inscriptions, figures, scratches, or other markings commonly known as graffiti.
- G. Parking, Storing, or Maintaining of the Following Items in Areas Zoned for Residential Uses or Zoned Unclassified and Designated by the Red Bluff General Plan as Residential:
1. Any airplane or other aircraft, or any parts thereof, in the front yard. Airplane or other aircraft, or any parts thereof, may be stored in the side or back yards if such items are concealed by a fence.
 2. Any construction equipment, machinery, vehicles or material except as follows:
 - a. Such items may be temporarily kept within or upon the property for and during the time such equipment, machinery, or materials are required for the

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construction or installation of improvements or facilities on the property for which all required permits have been obtained and are valid.

- b. Such items may be kept in the side yard or rear yard areas if such items are used for the maintenance of the property or facilities on the property and if such items are concealed by a fence, shrubbery or other similar means.
3. Any commercial equipment, machinery, vehicles, or material not authorized by a valid city permit when such items constitute visual blight, reduce the aesthetic appearance of the neighborhood, or are detrimental to nearby property or property values. Commercial equipment, machinery, vehicles, or material not otherwise authorized by a valid city permit may be kept in the side yard or rear yard areas if such items are used for the maintenance of the property or facilities on the property and if such items are screened by a fence, shrubbery, or other similar means.
4. Special mobile equipment as defined in Section 575 of the Vehicle Code or a utility trailer or boat and/or boat trailer for a period of time in excess of seventy-two consecutive hours in front yard areas or in side yard or rear yard areas not screened by a fence, shrubbery or similar means.
 - a. Any parking, keeping or storing of such items in the side yard or rear yard area shall be either in an accessory building constructed, located, and used in accordance with the provisions of this code or in an area concealed by a fence, shrubbery, or other similar means. In addition, one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
 - b. No such item shall be parked, stored or kept within five feet of any required exit, including exit windows.
 - c. For purposes of this subsection, an item is unlawfully parked, kept or stored in any area for a period of time in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been parked, kept or stored during the intervening period of time upon any public street.
5. Any refrigerator, washing machine, sink, stove, heater, boiler, tank, or any other household equipment, machinery, furniture, appliance or appliances, or any parts of any of the listed items, for a period of time in excess of seventy-two consecutive hours. For purposes of this subsection, an item is unlawfully kept or stored in any area for a period of time in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been parked, kept or stored during the intervening period of time upon any public street. This subsection does not prohibit the following:

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- a. Machinery installed in the rear setback areas for household or recreational use.
 - b. Furniture designed and used for outdoor activities.
 - c. Any item stored or kept within an enclosed storage structure or unit. For the purpose of this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.
6. Storing or keeping packing boxes, lumber, dirt, solid waste, and other debris, except as allowed by this code for the purposes of construction, in any areas visible from public property or neighboring properties for a period of time in excess of seventy-two consecutive hours. For purposes of this subsection, solid waste is defined as set forth in subsection (D)(3) of this section. For purposes of this subsection, an item is unlawfully kept or stored in any area for a period of time in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been kept or stored during the intervening period of time upon any public street.
- H. Permit Requirement. Any use which does not have all permits pursuant to Chapter 5: Construction Regulations of this code or where such permits have lapsed or been revoked or where such use is not in compliance with such permits.
- I. General Conditions.
- 1. Any condition that is detrimental to the public health, safety or general welfare, or that constitutes a nuisance under any other city ordinance, state law or common law;
- J. Exceptions. This chapter shall not prohibit the following:
- 1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 - 2. A vehicle or part thereof that is stored or parked in a lawful manner on private property on which is conducted the business of a licensed dismantler, licensed vehicle dealer, or a junkyard which is a legal nonconforming use. This exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

§ 15.3 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

"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.

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"Administrative citation" means a written notice of violation of a provision of the Red Bluff Municipal Code, which may include the imposition of an administrative fine.

"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 Tehama 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.

"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.

"Citation costs" mean all costs incurred by the city from the first discovery of the violations through the appeal process and until compliance is achieved, including but not limited to, staff time in inspecting the property, sending notices, preparing and attending any appeal hearing, and fees paid to a hearing officer.

"City Manager" means the city of Red Bluff's City Manager, or duly authorized designee of the City Manager.

"Combustible materials" mean materials that are readily ignitable, free-burning, or that will ignite through contact with flames of ordinary temperatures and includes combustible decorative materials, combustible fibers, combustible liquids, and combustible waste material as those terms are defined in the California Fire Code adopted by the city

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

"Dangerous building" means any building or structure that has one or more of the conditions or defects described in Section 1.15.090 of this chapter

"Enforcement officer" means any city officer, employee, or agent of the city designated by the municipal code or the City Manager to enforce particular provisions of the municipal code or any code adopted by the city, and includes the city's health officer, fire chief, building official, director of development services, enforcement officer, and their respective designees.

"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.

"Hearing officer" means an individual that meets or exceeds minimum qualification criteria established by the City Manager for training and experience in the subject matters of this chapter. Hearing officers assigned to conduct hearings under this chapter shall be selected by the City Manager in a manner that does not create an appearance that the

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hearing officer could be rewarded with future remunerative employment for decisions favorable to the city.

"Immediately dangerous building" means any building or structure that has been so damaged by fire, infestation, seismic disturbance, or by any other cause, including neglect, to the extent that its structural integrity is irreparably damaged or destroyed and is in imminent danger of collapsing or where the condition of the structure poses an immediate and present threat to life, health or safety of the public.

"Immediately dangerous condition" means a condition on any property that, in the opinion of the enforcement officer, is of such a nature as to be imminently dangerous to the health, safety or welfare of the public, and that would subject any person to potential harm of a serious nature unless abated without delay.

"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 paris, rubber, terra cotta, wool, cotton cloth, canvas, wood, metal, sand, organic matter (excluding compost not in public view) or other substance.

"Junk yard" means a junkyard as that term is defined in Title 18 or any property on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

"Neglected vacant building" means a building which is vacant and is not maintained in accordance with the provisions of this chapter.

"Owner" means the owner of record of real property, occupant, lessee, sublessee, interested holder in real property, or homeowners association, as the case may be. For purposes of this chapter, a homeowners association that exercises management and/or control over a common area shall be deemed an owner of the area over which such control is exercised. Exercising control includes but is not limited to ownership, maintenance, easements and/or assessing fees on property owners pursuant to agreements, deeds or recorded documents.

"Person" or "persons" means any individual, partnership, corporation, joint venture, receiver, limited liability company, trust, estate, cooperative, association, or any other entity.

"Property" means any real property and/or improvements thereon, as the case may be, including but not limited to, an area designated as a common area within a condominium or similar project.

"Public nuisance" means any property, building, or structure that has one or more of the conditions or defects described in Section 15.20 of this chapter.

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"Responsible party" means any person in possession or control of the premises or location where the Municipal Code violation exists as well as any person responsible for causing or maintaining the violation, and includes, but is not limited to, any of the following:

1. The person who owns the property where the violations exist;
2. The person in possession or control of the premises where the violation exists;
3. The person using the premises when the violation exists;
4. If any such person is a minor, the parent or guardians of such minor shall be the responsible party;
5. If the person is a corporation or limited liability company, any senior officer of that corporation or limited liability company shall be a responsible party;
6. If the person is a partnership, joint venture, cooperative, or association, any partner or member of the joint venture, cooperative, or association shall be a responsible party;
7. If the person is a trust, any trustee shall be a responsible party;
8. If the person is an estate, the administrator of the estate shall be a responsible party; or
9. If the person is a business entity, the manager or on-site supervisor where the violation exists shall be a responsible party.

"Rubbish" means and includes all waste, refuse and rejected matter, whether animal, vegetable or mineral, manufactured or natural, including but not limited to; cast away furniture, packing materials, construction waste, dry manure, debris, tree or shrub trimmings, or other matter that could constitute or increase a fire hazard.

"Substandard building" means any building or structure that has one or more of the conditions or defects described in Section 15.20 of this chapter.

"Vacant building" means any building or structure, or unit in a building or structure, which is unoccupied. The definition includes without limitation, buildings or structures of any nature intended for human habitation or occupation and includes manufactured housing or mobile homes. A building or structure, or unit in a building or structure, is not deemed to be vacant for purposes of this chapter if construction or alteration of the building, structure or unit is in progress pursuant to a valid, unexpired building permit.

"Visual blight" means any unreasonable, non-permitted or unlawful condition or use of real property, premises or of a building's exterior which by reason of its appearance as viewed 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 as described in Section 15.1 A, B & C.

"Weeds" mean and include plants that bear seeds of a downy or winged nature; sagebrush, chaparral, manzanita, berry bushes, bamboo, and any other brush that can

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become a fire hazard to the property or adjacent property; poison oak; and dry grass, grass or weed stubble, dry or dead brush or shrubs.

§ 15.4 SERVICE OF NOTICES.

- A. All written notices required to be given under the provisions of this chapter shall be served in the following manner:
 - 1. By personal delivery; or
 - 2. By certified mail with return receipt in the United States Mail, in a sealed envelope postage prepaid, addressed to the person at his or her last-known business or residence address as it appears on the last equalized assessment roll, or to any other reliable address known by the enforcement officer. Service by certified mail shall be deemed completed 5 days after mailing.
- B. Where personal service or service by mail upon a person cannot be made despite a diligent effort, a copy of the notice shall be conspicuously posted at the property where the public nuisance is occurring.
- C. Notwithstanding any provision in this section, service by regular mail may be made to any person at any address authorized or requested by such person.
- D. The failure of any person to receive any notice required under this chapter and properly served, mailed, or posted under this chapter shall not affect the validity of any proceedings taken under this chapter.

§ 15.5 GENERAL PENALTY.

Violations.

It is unlawful for any person to violate any provision or to fail to comply with any requirement of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor, unless the offense is specifically classified in this code or by state law as an infraction, or the city attorney reduces the charge to an infraction, in which case the person shall be guilty of an infraction. Each day that any condition caused or permitted to exist in violation of this code continues shall constitute a new and separate violation and offense.

Penalty.

- A. Any person convicted of a misdemeanor under the provisions of this code, unless provision is otherwise made in this code, shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period not more than six months, or by both such fine and imprisonment.

EXHIBIT A

- B. Any person convicted of an infraction of the provisions of this code, unless provision is otherwise made in this code, shall be punishable upon a first conviction by a fine of not more than one hundred (\$100) dollars, and for a second conviction within a period of one year by a fine of not more than two hundred and fifty (\$250) dollars, and for a third or any subsequent conviction within a period of one year by a fine of not more than five hundred (\$500) dollars.

Continuing offenses.

Each person convicted of a misdemeanor or infraction under the provisions of this code 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, continued or permitted by the person, and shall be punished accordingly.

§ 15.6 RESERVED

§ 15.7 NOTICE OF VIOLATION.

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, 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 date of the violation;
- B. The address or a definite description of the location where the violation occurred;
- C. The section of this code violated and a description of the violation;
- D. The amount of the fine for the code violation;
- E. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- F. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
- G. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and
- H. The name and signature of the citing enforcement officer.

EXHIBIT A

Corrective action time limits

Whenever a notice of violation is sent the person responsible for the property shall take corrective action within 30 days of the date included on the notice. Failure to take corrective action within 30 days will result in the issuance of an Administrative Citation pursuant to Section 15.8.

§ 15.8 ADMINISTRATIVE CITATIONS.

Purpose and intent.

The City Council has determined the enforcement of the Red Bluff Municipal Code throughout the City is an important public service vital to the protection of the public's peace, health, safety and quality of life. The Council has also determined an administrative citation process is an appropriate method of enforcing violations of the municipal code. This chapter provides uniform procedures for issuing administrative citations and conducting administrative hearings, and is in addition to all other criminal, civil, or administrative remedies that may be pursued by the City to address any violation of the municipal code. Use of this chapter as a remedy shall be at the sole discretion of the City.

Violation of the municipal code.

- A. Any person violating any provision of the municipal code may be subject to the issuance of an administrative citation pursuant to the administrative procedures provided in this chapter.
- B. For the purposes of this chapter, each and every day a violation of any provision of the municipal code constitutes a separate and distinct violation.

Alternative actions.

The procedures provided in this chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in the municipal code or by state law. Nothing in this chapter shall be deemed to prevent the City from commencing alternative administrative, civil, or criminal proceedings to penalize or abate a nuisance under applicable civil, criminal, or municipal code provisions as an alternative to the proceedings set forth in this chapter.

Authority to enter and inspect property.

For the purposes of this chapter, any enforcement officer shall have the power to enter onto any public or private property within the city of Red Bluff in order to determine the existence of a violation of any provision of the municipal code and to make any inspection, examination, or survey as may be necessary to perform enforcement duties. All entries, inspections, examinations, and surveys shall be done in a reasonable manner. If an owner, occupant, or agent refuses permission to enter or inspect, the enforcement officer may seek

an administrative inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.59, as may be amended from time to time.

Opportunity to cure non-urgent violations.

The administrative citation process set forth in this chapter may be utilized to enforce continuing violations of this code; provided, however, that the person responsible for any such continuing violation shall be allowed a reasonable period of time to correct or otherwise remedy the violation prior to the city's issuance of an administrative citation. Nothing in this section, however, shall require the city to provide any such correction period concerning violations creating an immediate danger to health or safety, or to any building, plumbing, electrical, or other similar structural or zoning code violations which are transient and noncontinuing in nature.

Authority to issue administrative citation.

Whenever an enforcement officer determines that a violation of any provision of the municipal code has occurred, the enforcement officer shall have the authority to issue an administrative citation to any applicable responsible party. If the enforcement officer determines that multiple code violations have occurred, the administrative citation shall address all such violations. Administrative citations shall be served in accordance with Section 15.5 of this chapter.

Notice of noncompliance.

- A. Whenever an enforcement officer determines that any property is maintained in violation of the Red Bluff Municipal Code, he or she may record a notice of noncompliance in a form approved by the city attorney.
- B. Service of the notice of noncompliance shall be made as set forth in Section 15.4.
- C. Upon completion of service, the notice of noncompliance shall be recorded against the property where the violation(s) exist. Such recording shall be made by the Tehama County Recorder.
- D. Any "owner," as defined by Red Bluff Municipal Code Section 15.3, may contest the validity of the notice of noncompliance by making an application to the Deputy City Clerk within thirty calendar days from the date the notice of noncompliance is served. The hearing officer, shall hear any such application no later than thirty calendar days after a timely application is made.
- E. When all violations noted on a notice of noncompliance have been abated or when equity may otherwise require, the enforcement officer shall record a release of the notice of noncompliance. The enforcement officer shall serve notice of the release of the notice of noncompliance pursuant to Section 15.4.

Contents of administrative citation.

Each administrative citation issued pursuant to this chapter shall contain the following information:

- A. The date of the violation;
- B. The address or a definite description of the location where the violation occurred;
- C. The section of this code violated and a description of the violation;
- D. The amount of the fine for the code violation;
- E. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- F. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation;
- G. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and
- H. The name and signature of the citing enforcement officer.

Amount of fines.

- A. An administrative fine shall be directly assessed by means of an administrative citation issued by an enforcement officer.
- B. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in the schedule of fines established by resolution of the City Council.
- C. The schedule of fines shall specify any increased fines for repeat violations of the same code provision.
- D. The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

Payment of fines.

- A. Any fine imposed under this chapter shall be made payable to the City of Red Bluff, and shall be submitted to the Finance Department, within thirty calendar days from the date of the administrative citation.
- B. Payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.
- C. Any payment of a fine shall be refunded upon the issuance of an administrative enforcement order finding that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

Deleted:

Request for a hearing.

- A. Any recipient of an administrative citation may contest that there was a violation of the municipal code, or that he or she is the responsible party, by completing a request for hearing form and returning it to the Deputy City Clerk within thirty calendar days from the date of the administrative citation. The request for hearing form must be personally signed by the recipient of the administrative citation and accompanied by an advance deposit of the fine (50% of any fine/penalty amount) or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 15.8.
- B. A request for hearing form may be obtained from the City of Red Bluff Community Development Department specified on the administrative citation. This form shall require that the appealing party include a brief statement setting forth the interest that he or she has in the matter relating to the citation and a brief statement, in ordinary and concise language, of the material facts that he or she claims support any contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.
- C. Failure to timely remit the advance deposit or obtain an advance deposit hardship waiver shall terminate the request for a hearing on the administrative citation, and the amount of the fine shall become immediately due and payable.
- D. Failure to comply with the procedures set forth in this section or to timely file a request for hearing shall be an affirmative defense as a failure to exhaust administrative remedies in any action for judicial review brought pursuant to Section 15.8.

Advance deposit hardship waiver.

- A. Any person who intends to request a hearing to contest an administrative citation, and who claims to be financially unable to make the advance deposit of the fine as required in Section 15.6 of this chapter may request an advance deposit hardship waiver in accordance with this section.
- B. A request that the City waive all or part of the advance deposit must be filed on an advance deposit hardship waiver application form. The request must be filed with the Deputy City Clerk within thirty calendar days of the date of the administrative citation. The request must include a sworn declaration together with any supporting documentation or materials describing the cited person's financial inability to deposit the full amount of the fine in advance of the hearing. The cited person bears the burden of demonstrating to the City his or her inability to deposit the full amount of the fine in advance of the hearing. The City Manager or designee is vested with the authority to approve or deny a request for an advance deposit hardship waiver.
- C. The City may issue an advance deposit hardship waiver that waives the requirement of an advance deposit of the fine or requires a partial deposit of the fine, only if the

person requesting the waiver has demonstrated an actual inability to deposit with the city the full amount of the fine in advance of the hearing.

- D. If the City denies the request for an advance deposit hardship waiver, it shall issue a written determination listing the reasons for the denial. Such determination shall be final, and shall be served by mail on the person requesting waiver.
- E. If the City denies the issuance of an advance deposit hardship waiver, the person requesting the waiver shall remit the advance deposit of the full fine amount to the city within ten calendar days of the date of the denial or thirty calendar days from the date of the administrative citation, whichever is later.
- F. If the City determines that the person requesting the waiver is required to deposit only a specified part of the amount of the fine, that person shall remit the required amount to the city within ten calendar days of the date of the decision or thirty calendar days from the date of the administrative citation, whichever is later.

Setting the hearing—Additional reports—Failure to appear.

- A. Hearings contesting the issuance of an administrative citation shall be conducted by the hearing officer.
- B. The hearing officer, as applicable, has continuing jurisdiction over the subject matter of an administrative appeal hearing for the purposes of granting a continuance, ensuring compliance with an administrative citation, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.
- C. No hearing to contest an administrative citation before the administrative hearing officer shall be held unless the fine has been deposited in advance in accordance with Section 15.8 or an advance deposit hardship waiver has been issued in accordance with Section of this chapter.
- D. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five calendar days prior to the date of the hearing.
- E. The failure of the cited person to appear at the hearing to contest an administrative citation shall constitute a forfeiture of the fine and a failure to exhaust that person's administrative remedies.

Hearings conducted by hearing officer.

- A. Upon appointment by the City Manager, the hearing officer shall set the date for a hearing to contest an administrative citation. The date shall be set not less than fifteen calendar days and not more than sixty calendar days from either the date that the request for hearing is filed in accordance with provisions of this chapter or the date of issuance of the advance deposit hardship waiver, whichever is later.

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- B. The City Manager shall serve notice of the administrative citation hearing upon the cited person. Service shall be made pursuant to Section 15.4 of this chapter at least ten calendar days prior to the date of the hearing. The notice of hearing shall contain the date, time and location at which the hearing will be conducted.
- C. The hearing shall be conducted in accordance with the following rules:
1. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state. Fundamental due process shall be observed and shall govern the proceedings. The procedure and format of the administrative hearing shall follow the procedures promulgated by the City Manager.
 2. The alleged violator has the right to represent himself or herself, or to be represented by anyone of his or her choice.
 3. Any party to the hearing shall be given the opportunity to testify, cross-examine witnesses, and present evidence as to the existence of the cited violation or as to whether or not the cited person is the responsible party.
 4. The hearing officer may inquire of any witness testifying at the hearing. The alleged violator or his or her representative, if any, and the officer presenting the city's case before the hearing officer, shall be permitted to inquire of any witness testifying at the hearing. All parties to the hearing shall be permitted to present brief opening and closing statements.
 5. Upon a showing of good cause by either party or on its own motion, the hearing officer shall have the authority to continue any hearing and to issue subpoenas for persons to appear and produce testimony and/or for persons to produce documents if the board believes that the information is relevant, material and necessary for the board to make a determination on the matter. The hearing officer may seek judicial validation of any subpoena which has not been complied with and it shall thereafter be unlawful, subject to prosecution as a misdemeanor, for any person to refuse to obey such a subpoena.
 6. The city bears the burden of proof at an administrative enforcement hearing to establish the existence of a violation of the municipal code.
 7. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is by a preponderance of the evidence.
 8. Continuances for good cause may be granted on the motion of any party or upon the hearing officer's own motion. The hearing officer may request additional information from any party prior to issuing a written decision.
 9. All hearings shall be recorded an accurate record of the meeting.
 10. All hearings and proceedings shall be open to the public.
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- D. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall prepare a written administrative enforcement order that meets the requirements of Section 15.8 of this chapter.

Scope of hearing.

- A. At a hearing conducted under this chapter, shall hear and consider all relevant evidence, including, but not limited to, the testimony of the responsible party, city personnel, neighbors, witnesses, or other interested parties, and may consider staff reports or other written materials, on any of the following issues:
1. Whether the responsible party caused or maintained a violation of the municipal code as stated in the administrative citation.
 2. Whether the person or persons named in the administrative citation are responsible parties.
 3. Whether the amount of the fine imposed is consistent with the schedule of fines established by resolution of the city council.
- B. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

Administrative enforcement order.

- A. An administrative enforcement order shall address each contested violation in the administrative citation and contain findings of fact for each such violation. The findings shall be supported by evidence received at the hearing.
- B. The administrative enforcement order may:
1. Affirm, reject, or modify any fine imposed by the administrative citation;
 2. Impose conditions and deadlines to correct the violations set forth in the administrative citation;
 3. Assess reasonable citation costs incurred by the city.
- C. The administrative enforcement order shall be served on the parties to the hearing within fifteen calendar days of the hearing in accordance with Section 15.4 of this chapter.
- D. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city, less any reduction authorized by the order.
- E. If the hearing officer determines that the violations set forth in the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer, as applicable, shall set forth in the order a payment schedule for payment of the fine.

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- F. If the hearing officer determines that any violations set forth in the administrative citation should be dismissed and the fine for those violations was deposited with the city, then the city shall promptly refund the amount of the deposited fine.
 - G. An administrative enforcement order constitutes the final decision of the hearing officer and the final decision of the city. Notwithstanding any other contrary provision in this municipal code, a final decision rendered in accordance with this section is not appealable to the city council.

Late payment charges.

Any person who fails to pay to the city any fine or any scheduled partial payment of such fine on or before the due date shall be liable for the payment of any applicable late payment charges set forth in the schedule of administrative citation fines established by resolution by the city council.

Recovery of fines and costs.

The city may use all available legal means to collect any past due administrative citation fines, late payment charges, and costs of collection.

Right to judicial review.

- A. Any person aggrieved by an order of the administrative hearing officer made pursuant to this chapter may seek judicial review of the order by filing a petition for review with the Tehama County Superior Court pursuant to the time lines and provisions of Government Code Section 53069.4 or Code of Civil Procedure 1094.5, as may be applicable.
- B. Enforcement of an administrative enforcement order shall be stayed during the pendency of a properly and timely filed appeal to the Tehama County Superior Court.

§ 15.9 ADMINISTRATIVE PENALTIES AND ABATEMENT.

Purpose and intent.

The City Council has determined that the enforcement of the Red Bluff Municipal Code throughout the City is an important public service and is vital to the protection of the public's peace, health, safety and quality of life. The Council has also determined that the imposition of an administrative penalty and abatement program is an appropriate method of enhancing and promoting the maintenance of real property, improving the livability, appearance, and the social and economic conditions of the community, and will ensure that the real properties do not reach such a state of deterioration or disrepair as to cause the depreciation of the value of the surrounding neighborhood or be materially detrimental to nearby properties and improvements. This chapter provides uniform procedures for issuing administrative penalties, ordering abatement proceedings, conducting

administrative hearings, and is in addition to all other administrative, civil, or criminal remedies that may be pursued by the city to address any violation of the municipal code. Use of this chapter as a remedy shall be at the sole discretion of the city.

Responsibility for property maintenance.

Every responsible party who owns, controls or is in possession of premises within the City is required to maintain such premises in a manner so as not to violate the provisions of the municipal code. Any responsible party who fails to do so shall be guilty of a misdemeanor each day such violation continues.

Alternative actions.

The administrative procedures provided in this chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in the Red Bluff Municipal Code or by state law for the abatement of nuisance related activities, premises, conditions or conduct. Nothing in this chapter shall be deemed to prevent the City from commencing alternative administrative, civil, or criminal proceedings to abate or penalize a nuisance under applicable civil, criminal, or municipal code provisions as an alternative to the proceedings set forth in this chapter.

Imposition of administrative penalty.

- A. Any person violating any provision of the municipal code may be subject to the assessment of administrative civil penalties pursuant to the procedures provided in this chapter.
- B. Administrative civil penalties may be directly assessed by means of an administrative abatement and penalties order issued under this chapter. Administrative civil penalties may be collected as special assessments, recorded as a lien upon and against real property, or recovered by legal action brought by the City.
- C. Administrative civil penalties for violations of the municipal code shall be assessed at a daily rate determined by the administrative hearing officer pursuant to the criteria listed in Section 15.5 of this chapter. The maximum rate shall be five hundred dollars per violation. The maximum amount of administrative civil penalties shall not exceed five hundred dollars per parcel or structure for any related series of violations.
- D. For the purposes of this chapter, each and every day a violation of any provision of the municipal code exists constitutes a separate and distinct violation.

§ 15.10 UNLAWFUL CONDITIONS.

Unlawful property conditions.

It is unlawful for any responsible party to maintain such property in any condition that violates the provisions of the Red Bluff Municipal Code including, but not limited to, the conditions described in Section 15.1 and Section 15.2 of this code. Any condition meeting the description of an "immediately dangerous building," "immediately dangerous condition," "dangerous building," "substandard building," or "public nuisance" as these terms are defined in Section 15.3 of this code, is declared to be a public nuisance, and is subject to administrative enforcement under this chapter. Such procedures shall not be exclusive and shall not in any manner limit or restrict the city from imposing fines or penalties or abating public nuisances in any other manner provided by law.

Authority to enter, inspect and abate property.

For the purposes of this chapter, any enforcement officer shall have the power to enter onto any public or private property within the city of Red Bluff in order to determine the existence of a violation of any provision of the municipal code, and to make any inspection, examination, or survey as may be necessary to perform enforcement duties. Any enforcement officer shall also have the power to abate any building or premises whenever necessary to secure compliance with or prevent violation of any provision of this chapter. All entries, inspections, examinations, surveys and abatements shall be done in a reasonable manner. If an owner, occupant, or agent refuses permission to enter, inspect or abate, the enforcement officer may seek an administrative inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.59, as may be amended from time to time.

Compliance order.

- A. Whenever an enforcement officer determines that any property is maintained in violation of the municipal code, he or she may serve on the responsible party a written compliance order. In addition to any information required for particular violations pursuant to Section 15.1 or 15.2 the compliance order shall contain:
 - 1. The date and location of the violation;
 - 2. The section of the code violated and a description of the violation;
 - 3. The actions required to correct the violation(s);
 - 4. The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;
 - 5. An explanation of the consequences of noncompliance with the compliance order and a description of the hearing procedure and appeal process.
- B. Service of the compliance order shall be made as set forth in Section 15.4 of this chapter.

Notice of pendency of action.

- A. Concurrent with service of the compliance order as provided for in Section 15.10 of this chapter, the enforcement officer may record a notice of pendency of action with the county recorder. The enforcement officer shall instruct the county recorder to record the notice and index it in the property index as well as in the name of each owner of record as shown in the last equalized assessment roll or the supplemental roll, whichever is more current, and/or as known to the enforcement officer. The notice shall be in a form approved by the City Attorney.
- B. Service of the notice of pendency of action shall be made as set forth in Section 15.3 of this chapter.
- C. Upon completion of service, the notice of pendency of action shall be recorded against the property where the violation(s) exist. Such recording shall be made by the Tehama County Recorder.
- D. Any "owner," as defined by Red Bluff Municipal Code Section 15.3, may contest the validity of the notice of pendency of action by making application to the secretary of the administrative hearings board within thirty calendar days from the date the notice of pendency of action is served. The administrative hearing officer, shall hear any such application no later than thirty calendar days after a timely application is made.

Notice of final disposition.

When all violations noted on a notice of pendency of action have been abated or when equity may otherwise require, the enforcement officer shall promptly record a release of the notice of pendency of action. The enforcement officer shall serve notice of the release of the notice of pendency of action pursuant to Section 15.4.

§ 15.11 REQUEST FOR HEARING.**Request for hearing—Failure to appear.**

- A. The enforcement officer shall request that an administrative penalties and abatement hearing be set when the responsible party fails to comply with the terms of the compliance order or has failed to keep the property which is the subject of an administrative abatement and penalties order in compliance with said order.
- B. The administrative penalties and abatement hearing shall be conducted by the administrative hearings board or a hearing officer.
- C. The administrative hearing officer has continuing jurisdiction over the subject matter of an administrative appeal hearing for the purposes of granting a continuance, ensuring compliance with a compliance order, modifying a compliance order, or where extraordinary circumstances exist, granting a new hearing.

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- D. The administrative penalties and abatement hearing shall provide a full opportunity for the responsible parties subject to a compliance order to object to the order's determination that a violation has occurred; that the violation has continued to exist or has recurred; that the person is responsible for creating, maintaining, or fostering the violation; or that the condition constituting the violation should be abated in accordance with the compliance order.
 - E. The failure of any person subject to a compliance order pursuant to this chapter to appear at the administrative penalties and abatement hearing shall constitute an admission of the facts in the compliance order and shall constitute a failure to exhaust administrative remedies.

Hearings conducted by hearing officer.

- A. The hearing officer shall set the date for the administrative penalties and abatement hearing, and for any other hearing required by this chapter. The hearing date shall be not less than fifteen calendar days nor more than sixty calendar days from the date of the notice of hearing, unless the hearing officer determines the matter is urgent or good cause exists for an extension of time.
 - B. The City Manager or his or her designee shall serve the notice of hearing upon the person whose property is the subject of the hearing. Service shall be made pursuant to Section 15.4 of this chapter at least fourteen calendar days prior to the date of the hearing. The notice of hearing shall contain the time, date, and place at which the hearing will be conducted.
 - C. The hearing shall be conducted in accordance with the following rules:
 - 1. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. Irrelevant, immaterial, and unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state. Fundamental due process shall be observed and shall govern the proceedings.
 - 2. The alleged violator has the right to represent himself or herself, or to be represented by anyone of his or her choice.
 - 3. Any party to the hearing shall be given the opportunity to testify, cross-examine witnesses, and present evidence as to the existence of the cited violation or as to whether or not the cited person is the responsible party.
 - 4. The hearing officer may inquire of any witness testifying at the hearing. The alleged violator or his or her representative, if any, and the officer presenting the city's case before the hearing officer, shall be permitted to inquire of any witness testifying at the hearing. All parties to the hearing shall be permitted to present brief opening and closing statements.
 - 5. At the request of either party, for good cause shown, the hearing officer may continue any hearing and issue a subpoena in accordance with the provisions of
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the California Administrative Procedures Act to compel the production of documents or the attendance of a third party witnesses, if the compelling of such information is relevant, material and deemed necessary for the hearing officer to reach a decision. However, subpoenas shall not be requested for or issued as a means to compel testimony or the production of documents from the city or any of its employees or officers, or from the responsible party. It is unlawful for any person to refuse to obey a subpoena issued by a hearing officer, if such subpoena has been judicially validated by a court. Failure to obey a subpoena which has been judicially validated constitutes contempt and may be prosecuted as a misdemeanor.

6. The city bears the burden of proof at an administrative enforcement hearing to establish the existence of a violation of the municipal code.
 7. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is by a preponderance of the evidence.
 8. Continuances for good cause may be granted on the motion of any party or upon the hearing officer's own motion. The hearing officer may request additional information from any party prior to issuing a written decision.
 9. All hearings shall be recorded onto audiotape or any other electronic format that ensures an accurate record of the meeting. The proceedings at the hearing may also be reported by a certified shorthand reporter if such reporter is provided by the responsible party at his or her own expense.
 10. All hearings and proceedings shall be open to the public.
- D. After considering all of the testimony and evidence submitted at a hearing, the hearing officer shall prepare a written order that meets the requirements of Section 15.7 of this chapter.

Scope of hearing.

- A. The administrative hearing officer, as applicable, shall hear and consider all relevant evidence, including, but not limited to, the testimony of the responsible party, city personnel, neighbors, witnesses, or other interested parties, and may consider staff reports or other written materials, on any of the following issues:
1. Whether the responsible party caused or maintained a violation of the municipal code as stated in the compliance order.
 2. Whether the person or persons named in the compliance order are responsible parties.
 3. Whether the method of abatement described in the compliance order is appropriate.
 4. Whether the responsible party has complied with a previous order of the hearing officer pursuant to this chapter.

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- 5. The amount of abatement costs, including the amount of administrative penalties and interest to be assessed as part thereof.
 - B. The compliance order and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

Inspection of property.

The administrative hearing officer, as applicable, may, with the owner(s) consent, inspect the building or premises involved in the hearing prior to, during, or after the hearing, provided that:

- A. Notice of such inspection shall be given to the parties before the inspection is made;
- B. The parties are given an opportunity to be present during the inspection;
- C. The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn from the inspection; and
- D. Each party then shall have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

Findings and order.

- A. At the conclusion of a hearing held pursuant to this chapter, the administrative hearing officer shall prepare a written order. The order shall address each issue in dispute and contain findings of fact for each such issue. The findings shall be supported by evidence received at the hearing. Orders shall be issued as follows:
 - 1. For an administrative penalties and abatement hearing, a written administrative abatement and penalties order as described in Section 15.4 of this chapter.
 - 2. For a hearing conducted to determine compliance with an administrative abatement and penalties order, a determination regarding whether such compliance has been achieved and whether abatement costs shall be confirmed, rejected or modified.
 - 3. For an abatement hearing, a determination regarding whether the abatement costs submitted by the enforcement officer shall be confirmed, rejected or modified, and/or whether an action to summarily abate was proper.
- B. All orders issued in accordance with this section shall be served on the parties to the hearing within fifteen days of the hearing in accordance with Section 15.4 of this chapter.

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- C. Notwithstanding any contrary provision in this municipal code, decisions of the hearing officer are final decisions of the city which shall not be appealable to the city council.
 - D. Any person aggrieved by any order made pursuant to this section may seek review of the order by filing a petition with the Tehama County Superior Court pursuant the time lines and provisions of Government Code Section 53069.4 or Code of Civil Procedure Section 1094.5, as may be applicable.

§ 15.12 PENALTY AND ABATEMENT ORDERS.

Administrative abatement and penalties order.

- A. An administrative abatement and penalties order shall address each contested violation in the compliance order and contain findings of fact for each such violation. The findings shall be supported by evidence received at the hearing.
- B. An administrative abatement and penalties order shall affirm, reject, or modify the terms of the compliance order. The administrative abatement and penalties order may impose or order any or all of the following:
 - 1. Administrative penalties;
 - 2. An order to abate the nuisance within a specific time;
 - 3. Administrative costs, including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and the hearing itself, costs for all reinspections necessary to enforce the compliance order and prospective costs to serve, prepare and record a nuisance abatement lien or assessment lien;
 - 4. Interest on the penalties and costs imposed at the legal rate from the date of the order.
- C. The administrative abatement and penalties order shall also state that if the responsible party fails, refuses, or neglects to abate the condition constituting the violation within the time set forth therein, the city may abate the condition at the expense of the responsible party, and the expense thereof recovered by way of special assessment or lien on the property.
- D. The administrative abatement and penalties order shall be served upon any responsible party and the enforcement officer pursuant to Section 15.4 of this chapter.

Administrative penalties.

- A. In determining the amount of the administrative civil penalties to be assessed, the hearing officer may consider some or all of the following factors:
 - 1. The duration of the violation;
 - 2. The frequency of recurrence of the violation;
 - 3. The seriousness of the violation;

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4. The history of the violation;
 5. The responsible party's conduct;
 6. The good faith effort by the responsible party to comply;
 7. The economic impact of the penalty on the responsible party;
 8. The impact of the violation upon the community;
 9. Any other factors that justice may require.
- B. Administrative penalties imposed shall accrue from and after the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the enforcement officer. It is the responsibility of the responsible party to immediately notify the enforcement officer when the responsible party has caused the violation to be corrected. Administrative penalties may be suspended for any period of time during which the violator has filed for necessary permits and such permit applications are actively pending before the city, state, or other appropriate agency.
- C. The City Manager may establish a penalty schedule for use as a guideline in determining the amount of administrative civil penalties.

Requirement to abate.

- A. The public nuisance found to exist on the property shall be abated by having such property, building, or structures rehabilitated, repaired, or demolished within the time specified, and in the manner and means specifically set forth in any administrative abatement and penalties order issued by the administrative hearing officer.
- B. Every person subject to an administrative abatement and penalties order shall comply with that order and shall keep the property which is the subject of the order free of any subsequent violation of the administrative abatement and penalties order. The responsible party shall also comply with all applicable laws, permits, or other approvals of the federal, state or local governments in any and all actions taken pursuant to or in order to comply with the order, including, without limitation, the payment of all applicable permit fees.
- C. Any such person who fails to comply with an administrative abatement and penalties order is guilty of a misdemeanor.

Failure to obey administrative abatement and penalties order—Dangerous conditions.

- A. Whenever the required abatement is not commenced or completed within the time limits prescribed in a compliance order or administrative abatement and penalties order and a building is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, or if the city's Building Department determines that abatement of a building cannot be accomplished without making it immediately dangerous to life, limb, property, or safety of the public or its

occupants, the building official shall order the building to be vacated pursuant to a notice to vacate.

- B. Every notice to vacate ordered shall be served pursuant to Section 15.4 of this chapter, and shall also be posted at or upon each exit of the building or upon any individual unit to be vacated in substantially the following form:

DANGEROUS BUILDING

DO NOT ENTER

UNSAFE TO OCCUPY

You are hereby ordered and required to vacate this building/premises on or before _____.

It is a misdemeanor pursuant to Red Bluff Municipal Code Sections 15.12 to occupy this building on or after or to remove or deface this notice.

Building Department

City of Red Bluff

By _____.

- C. Whenever a notice to vacate is posted, the enforcement officer shall specify in the notice and order to vacate the conditions that necessitate an immediate notice to vacate.
- D. No person shall remain in or enter any building, structure, or premises that have been so posted, except that entry may be made to abate the property or building under permit without the consent of the Building Department. No person shall remove or deface any such notice after it is posted until the required abatement has been completed, and a certificate of occupancy issued pursuant to the provisions of the Red Bluff Municipal Code and the California Building Code, if necessary. Any person violating this subsection shall be guilty of a misdemeanor.
- E. The Building Department may permit occupancy of the building or individual units if the owner corrects those problems which pose an immediate danger to life, limb, property, and safety of the public or occupants.
- F. Whenever a notice to vacate has been posted and served in accordance with this subsection, the Building Department may order the immediate disconnection of any utility services determined to be hazardous by the building official. If the sewer service is ordered disconnected pursuant to this section, city water service to such building shall also be disconnected in order to prevent the accumulation of sewage on such premises. It is unlawful and a misdemeanor for any person to fail to disconnect utility services when ordered to do so pursuant to the provisions of this subsection.
- G. Prior to issuing a notice to vacate, the Building Department shall obtain the approval of the city attorney or his or her representative.

Interference with work prohibited.

It is unlawful and a misdemeanor for any person to obstruct, impede, or interfere with any officer, employee, contractor, or authorized representative of the city, or with any person who owns or holds legal interest in a property on which a condition exists that has been ordered abated and/or vacated under the provisions of this chapter when such persons are engaged in the work of abating and/or vacating such property or condition pursuant to the provisions of this chapter, or is performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

Compliance report.

If an enforcement officer determines that compliance with an administrative abatement and penalties order has been achieved, the enforcement officer shall notify the responsible party of said compliance and the date in which the property has been deemed to be in compliance.

Compliance dispute—Hearing—Finality.

- A. If an enforcement officer does not file a compliance report pursuant to Section 15.7 of this chapter, any person subject to an administrative abatement and penalties order who believes that compliance has been achieved may request a compliance hearing by filing a written request for a hearing with the City Manager.
- B. The compliance hearing shall be conducted by the hearing officer to conduct the hearing pursuant to Section 15.6 of this chapter.
- C. The administrative hearing officer shall determine whether compliance with the administrative abatement and penalties order has been achieved and, if so, when achieved. The determination shall be issued and served in accordance with the provisions of Section 15.4 of this chapter.

§ 15.13 ABATEMENT BY CITY.**Abatement of public nuisance by the city.**

- A. If an enforcement officer determines that compliance with an administrative abatement and penalties order has not been achieved and the time for compliance has lapsed, the nuisance conditions may be abated by city personnel or by a private contractor.
- B. City personnel or a private contractor may enter upon private property in a reasonable manner as provided by law to abate the public nuisance as specified in the administrative abatement and penalties order.
- C. When any abatement work is to be done pursuant to this section, the enforcement officer shall provide the final order or decision to the Building Department and the

work shall be accomplished by city personnel or by private contract after obtaining any necessary permits and in accordance with approved plans and specifications.

- D. If the responsible party abates the nuisance conditions before the city performs the actual abatement pursuant to the administrative abatement and penalties order, the city may still assess all abatement costs incurred by the city against the responsible party pursuant to the procedures set forth in this chapter.
- E. The cost of such abatement work may be made a lien against the property involved and made a personal obligation of the property owner. All administrative and actual costs incurred by the city in abating the violations may be assessed and recovered against the responsible party pursuant to the provisions set forth in this chapter.

Sale of materials.

- A. In the event the city abates a building or property and the abatement consists in the removal of materials or demolition of a building or structure, the city may, at the city's sole discretion, sell the removed materials or materials contained in the demolished building or structure at public sale to the highest responsible bidder. The city shall notice the sale by publication at least five days prior to the date of the sale. The notice shall be published twice in a newspaper of general circulation in the city. The notice by publication may occur either before or after the removal of the materials or demolition of the building or structure.
- B. Any moneys received from the sale of such removed materials or materials contained in the demolished building or structure shall be deducted from the expense of abatement.

Account of abatement costs.

- A. The enforcement officer shall keep an itemized account of all expenses incurred by the city in the abatement of a condition or nuisance under this chapter.
- B. The enforcement officer shall keep an itemized account of all revenue received by the city for any sale of materials pursuant to Section 15.13 of this chapter.
- C. Upon the completion of the work, the enforcement officer shall prepare a report, verified by the city official in charge of doing the work, specifying the following information:
 - 1. The work done in abating the condition or public nuisance, if any;
 - 2. The itemized and total cost of the abatement proceedings undertaken pursuant to this chapter;
 - 3. The itemized and total revenue received from any sale of materials pursuant to Section 15.13 of this chapter;
 - 4. The net expense of the abatement (gross expenses less the revenue from any sale of materials pursuant to Section 15.13);

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5. A description of the real property upon which the building or condition is or was located;
 6. The names and addresses of the persons entitled to notice pursuant to Section 15.4 of this chapter;
 7. Notice of the time, date, and place when and where the administrative hearing officer, as applicable, will hear and pass upon the report, together with any objections or protests which may be filed by any person interested in or affected by the proposed charge, and shall confirm, reject, or modify the report and determine whether the charge shall be made a personal obligation of the property owner(s) and charged as a lien or special assessment against the property involved;
 8. A statement that an order issued by the administrative hearing officer is a final decision, and is subject to judicial review pursuant to California Code of Civil Procedure Section 1094.5.

Abatement hearing.

- A. The City Manager or his or her designee shall schedule an abatement hearing unless waived in writing by all responsible parties. The abatement hearing shall be conducted by the administrative hearing officer to conduct the hearing pursuant to Section 15.8 of this chapter.
- B. Service of the enforcement officer's report of abatement costs and the notice of the abatement hearing shall be made pursuant to 15.4 of this chapter. Service of the report and the notice shall be made at least ten calendar days prior to the date set for the hearing. All costs associated with the service of the report and notice shall be added to total costs to be reviewed by the administrative hearing officer.

Objection to abatement costs—Objection to summary abatement.

- A. Any person interested in or affected by the proposed charge of abatement costs may file written protests or objections with the enforcement officer at any time prior to the time set for the abatement hearing or may make an oral objection at the hearing. Each written objection must contain a description of the property that is the subject of the protest and the grounds of such objection. The enforcement officer shall endorse on every such written objection the date it was received by him or her. The enforcement officer shall present such written objections to the administrative hearing officer at the time set for the hearing, and no other written objections shall be considered.
- B. No objection concerning actions of the enforcement officer, the administrative hearing officer, in ordering the abatement of the condition or nuisance, shall be heard at this time.
- C. Notwithstanding subsection B of this section, any person interested in or affected by summary abatement procedures performed in accordance with Section 15.13 of this code may make written and oral objections regarding whether the action to summarily

abate was proper and whether any ongoing summary abatement procedures should continue.

Confirmation, rejection or modification of abatement costs.

- A. On the date and time set for the hearing, the administrative hearing officer shall consider the abatement costs report of the enforcement officer together with any appropriately made objections, and shall confirm, reject, or modify the report by issuing a written abatement costs order.
- B. Where the hearing concerns summary abatement procedures performed in accordance with Section 15.8 of this chapter, the administrative hearing officer may determine whether or not the action to summarily abate was proper and whether any ongoing summary abatement procedures should continue and may modify the abatement costs in any manner deemed appropriate.
- C. Decisions made pursuant to this section shall be issued and served in accordance with the provisions of Section 15.8 of this chapter.

§ 15.14 RECOVERY OF PENALTIES AND ABATEMENT COSTS.

Recovery of penalties and costs.

- A. Administrative penalties and abatement costs shall be a debt to the city and subject to all remedies for debt collection as allowed by law.
- B. When a violation involves privately owned real property and the abatement costs and penalties are unpaid within the prescribed time set forth in the applicable order, the amount of such costs and penalties may be recorded as a lien upon and against the real property or collected as special assessments without further hearing.
- C. The city may recover its collection costs pursuant to Section 15.14 of this code.
- D. In addition to any other means of enforcement, the city attorney is authorized to bring a civil action against the responsible party for collection of administrative penalties and abatement costs in any court of competent jurisdiction.

Lien procedure.

- A. The city may make any unpaid abatement costs or unpaid administrative penalties a lien against the real property that was the subject of proceedings, an administrative abatement and penalties order issued in accordance with Section 15.8 and Section 15.10.
- B. Upon determination by the enforcement officer that the abatement costs and penalties contained in an administrative abatement and penalties order or an abatement costs order have not been satisfied in full within the time for payment set forth in the administrative penalties order or abatement costs order, the enforcement officer may

prepare a nuisance abatement lien stating the name of the City of Red Bluff as the agency on whose behalf the lien is imposed; the total amounts due and owing; the date of the administrative abatement and penalties order or the abatement costs order; the street address, legal description, and assessor's parcel number of the subject property; and the name and address of the recorded owner of the property. A copy of the administrative abatement and penalties order or the abatement costs order shall be attached to and made a part of the lien.

- C. Prior to recording the nuisance abatement lien, the enforcement officer shall serve a copy of the lien on the property owner, along with notice to the property owner that a lien in the amounts stated in the nuisance abatement lien will be filed against the subject property in the office of the Tehama County Clerk-Recorder.
- D. The nuisance abatement lien shall be served in the same manner as summons in a civil action in accordance with Code of Civil Procedure Section 415.10 et seq. If the owner of record, after diligent search cannot be found, the lien may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the City of Red Bluff.
- E. Following proper notice to the owner of record as provided in subsection D of this section, the nuisance abatement lien shall be recorded with the Tehama County Clerk-Recorder. Once recorded, the nuisance abatement lien shall have the force and effect and priority of a judgment lien governed by the provisions of Sections 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.
- F. Interest at the legal rate per year shall accrue on the principal amount of the lien until satisfied pursuant to law.
- G. A lien pursuant to this section may be foreclosed by an action brought by the city for a money judgment.

Special assessment procedure.

- A. As an alternative to the procedure authorized by Section 15.14 of this chapter, the city may make any unpaid abatement costs or penalties a special assessment against the real property that was the subject of an administrative abatement and penalties order issued in accordance with Article IV of this chapter or an abatement costs order issued in accordance with Article V of this chapter.
- B. Upon determination by the enforcement officer that the abatement costs and penalties contained in an administrative abatement and penalties order or an abatement costs order have not been satisfied in full within the time for payment set forth in the administrative penalties order or abatement costs order, the enforcement officer may prepare a notice of assessment lien stating the name of the city of Red Bluff as the agency on whose behalf the lien is imposed; the total amounts due and owing; the date of the administrative abatement and penalties order or the abatement costs order; the street address, legal description, and assessor's parcel number of the subject property;

and the name and address of the recorded owner of the property. A copy of the administrative abatement and penalties order or the abatement costs order shall be attached to and made a part of the assessment lien.

- C. Prior to recording the assessment lien, the enforcement officer shall serve a copy of the notice of assessment lien on the property owner. The assessment lien shall be served in the same manner as summons in a civil action in accordance with Code of Civil Procedure Section 415.10 et seq. If the owner of record, after diligent search cannot be found, the lien may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Tehama County. The tax collector's power of sale shall not be affected by the failure of the property owner to receive the notice.
- D. Upon service of the notice of assessment lien on the property owner, the enforcement officer shall cause a certified copy of the notice to be recorded with the Tehama County assessor-recorder, which shall add the amount of the assessment to the next regular tax bill levied against the property in the same manner as ordinary municipal taxes. The assessment lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and paramount to all other liens except state, county, and municipal taxes with which it shall have parity. The assessment lien shall continue until the assessment and all interest due and payable thereon has been paid.
- E. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the assessment shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.
- F. Interest shall accrue on the principal amount of the assessment until satisfied pursuant to law.
- G. The city may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of the assessment is delinquent.

Satisfaction of lien or special assessment.

For any lien or special assessment imposed under this chapter, once payment in full has been received by the city, the city of Red Bluff shall either record a notice of satisfaction/lien release or provide the property owner or applicable financial institution with a notice of satisfaction so they may record such notice with the Tehama County Clerk-

Recorder. The notice of satisfaction/lien release shall cancel the city's lien or special assessment.

§ 15.15 ABATEMENT OF PROPERTIES, BUILDINGS AND CONDITIONS.

Applicability.

This chapter provides abatement procedures for violations of the Red Bluff Municipal Code and other codes adopted by the city when such violations create immediately dangerous, dangerous or substandard buildings or conditions on real property or otherwise constitute a public nuisance that endangers the life, limb, health, property, safety or welfare of the public.

Code requirements.

- A. All buildings, structures, and properties that are required to be repaired, demolished, secured, or otherwise abated under the provisions of this chapter shall be subject to the requirements and standards set forth in the Red Bluff Municipal Code or any other code adopted by the city.
- B. All buildings, structures, and properties within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection in accordance with and in the manner provided by applicable provisions of the Red Bluff Municipal Code or any other code adopted by the city.

Responsibility for maintenance of property.

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 the Red Bluff Municipal Code or any other code adopted by the city, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

Abatement, repair and demolition fund.

- A. The city council shall establish a special revolving fund to be designated as the abatement, repair, and demolition fund. Payments shall be made out of the fund upon the demand of the enforcement officer to defray the costs and expenses that may be incurred by the city in doing or causing to be done the necessary work of abatement, repair, demolition, or securement pursuant to this chapter.
- B. The city council may at any time transfer to the abatement, repair and demolition fund, out of any money in the general fund or applicable enterprise fund of the city, such sums as it may deem necessary to expedite the performance of the work of abatement, repair, demolition or securement, and any sum so transferred shall be deemed a loan to the abatement, repair, and demolition fund and shall be repaid out of the proceeds of the collections provided for in this chapter. All funds collected under the proceedings in this chapter shall be paid to the Finance Department who shall credit the same to the abatement, repair and demolition fund.

Penalties and costs.

- A. Any party who has maintained an immediately dangerous building, an immediately dangerous condition, a dangerous building, a substandard building, or a public nuisance may be subject to penalties following an administrative hearing conducted in accordance with the provisions of Section 15.8 of this code.
- B. The cost of abatement, including all reasonable administrative and engineering costs incurred by the city as a result of the abatement, as well as any penalties imposed in connection with the abatement, may be collected as a special assessment against, or made a lien against, the property upon which the immediately dangerous building or immediately dangerous condition was located in accordance with the provisions of Section 15.16 of this code.

§ 15.16 IMMEDIATELY DANGEROUS BUILDINGS AND CONDITIONS.

Summary abatement of immediately dangerous buildings and conditions.

- A. Whenever an enforcement officer has inspected or caused to be inspected any building or structure and has found and determined that such building or structure is an "immediately dangerous building" as defined in Section 15.3, the immediately dangerous building may be summarily abated and removed by the city without prior notice to any person who owns or occupies the building or structure.
- B. Whenever an enforcement officer has inspected or caused to be inspected any property and has found and determined there exists on such property an "immediately dangerous condition" as defined in Section 15.3, the immediately dangerous condition may be summarily abated and removed by the city without prior notice to any person who owns or occupies the property.
- C. The enforcement officer may summarily abate the immediately dangerous building or immediately dangerous condition in any reasonable manner that they determines will eliminate the immediate threat to the health, safety and welfare of the public. Reasonable means to abate the immediately dangerous building or immediately dangerous condition include, but are not limited to, demolition, repairing, boarding to city specifications, securing, fencing and vacating.
- D. At any time after the initiation of summary abatement procedures pursuant to this section, any owner or occupant of the premises subject to summary abatement may make a written request to the City Manager for a hearing to determine whether summary abatement procedures are appropriate and whether such procedures should continue. Upon such request, the City Manager shall schedule an abatement hearing to be conducted in accordance with Sections 15.8 of this title as soon as practicable. During the scheduling and pendency of any hearing requested pursuant to this section, the enforcement officer's order shall remain in full force and effect unless or until such time that it is modified by the hearing officer.

§ 15.17 DANGEROUS BUILDINGS.

Dangerous buildings specified.

Any building or structure that has one or more of the following conditions or defects shall be deemed to be a dangerous building when such conditions or defects endanger the life, health, property, or safety of the occupants or the public.

- A. Whenever any door, aisle, hallway, 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.
- B. Whenever the walking surface of any aisle, hallway, passageway, stairway, or other means of exit is so warped, buckled, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city for new buildings of similar structure, purpose or location.
- D. 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 Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. 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 place so as to be capable of resisting a wind pressure of two-thirds of that specified in the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city for such buildings.
- G. 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.
- H. Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of:
 - 1. Dilapidation, deterioration or decay;

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2. Faulty construction;
 3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 4. The deterioration, decay or inadequacy of its foundation; or
 5. Any other cause.
- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 - J. 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.
 - K. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 - L. 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 an attractive nuisance to children or a harbor for vagrants or criminals.
 - M. 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 Red Bluff Municipal Code, the California Building Code, the California Fire Code, any other code adopted by the city, or any law or ordinance of this state or city relating to the condition, location, or structure of buildings.
 - N. 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 or in any supporting part, member, or portion less than sixty-six percent, of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) 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.
 - O. Whenever a building or 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, insects, rodents, pests or other vectors, or otherwise, is determined by the building official or health officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
 - P. Whenever the fire chief has determined that a building, structure, or the premises thereof constitute a fire hazard for any of the following reasons:
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1. Dangerous or unlawful amounts of combustible, explosive, or otherwise hazardous materials;
 2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive, or otherwise hazardous materials;
 3. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials;
 4. Accumulations of dust or waste material in air conditioning or ventilating systems, or accumulations of grease in kitchen or other exhaust ducts;
 5. Obstructions to or upon fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
 6. Other conditions including, but not limited to, want of repairs, lack of adequate exit facilities, required automatic or other fire alarm apparatus or fire extinguishing equipment, which create a hazardous condition.
- Q. Whenever any building or structure, because of lack of fire-resistive construction, or other cause, is determined by the building official or fire chief to be a fire hazard to life, health or property.
- R. Whenever any building or structure, because of faulty electrical wiring or other cause, is determined by the building official or fire chief to be an electrical or fire hazard to life, health or property.
- S. Whenever any building or structure, because of faulty gas connections, heating apparatus or water and sewer systems, or other cause, is determined by the building official or fire chief to be a hazard to life, health or property.
- T. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is vacant, unoccupied, or abandoned for a period in excess of six months such that the building or portion thereof is an attractive nuisance or hazard to the health, safety and welfare of the public.

Abatement of dangerous buildings.

- A. Whenever an enforcement officer has inspected or caused to be inspected any building or structure and has found and determined that such building or structure is a "dangerous building" as defined in this chapter, he or she shall commence an administrative proceeding to repair, vacate, secure, or demolish the building or structure.
- B. Administrative proceedings to repair, vacate, secure, or demolish a dangerous building shall be governed by the provisions of Section 15.17 of this title. To commence such action, an enforcement officer shall issue a compliance order. In addition to the information required by Section 15.8 of this title, the compliance order shall contain:
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1. A statement that the enforcement officer has found the building to be dangerous, with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 15.17 of this chapter.
 2. A statement that the building must be repaired or demolished at the option of the owner within the following time limits:
 - a. If the owner elects to repair the building, all required permits for repair shall be secured therefore and the work physically commenced within thirty calendar days from the date of the compliance order and completed within such time as the enforcement officer shall determine is reasonable under all of the circumstances; or
 - b. If the owner elects to demolish the building, all required demolition permits shall be secured, and demolition commenced, not later than thirty calendar days from the date of the order, and that demolition be completed within such time as the enforcement officer shall determine is reasonable.
 3. A statement advising that if, prior to compliance, the building or conditions in the building or on the property becomes an immediately dangerous building or immediately dangerous condition as defined in this chapter, the city may abate the immediately dangerous building as provided for such buildings or conditions in this chapter.
 4. A statement advising that if any required repair or demolition work is not commenced or completed within the time specified, the enforcement officer:
 - a. May order the building vacated and posted to prevent further occupancy until the work is completed if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, or if the city's building official determines that repair or demolition of the building or structure cannot be accomplished without making it immediately dangerous to life, limb, property or safety of the public or its occupants;
 - b. May order the immediate disconnection of hazardous utility services (electricity, gas, sewer or water); and
 - c. May proceed to repair, secure, or demolish the building and charge the costs thereof against the property and its owner.

§ 15.18 NOTICE OF PENDENCY/LIEN OF ACTION.

Notice of pendency/lien of action.

Concurrent with service of the compliance order, the enforcement officer shall record a notice of pendency/lien of action with the Tehama County Clerk-Recorder. The enforcement officer shall instruct the Clerk-Recorder to record the notice and index it in

the property index as well as in the name of each owner of record as shown in the last equalized assessment roll or the supplemental roll, whichever is more current, and/or as known to the enforcement officer. The notice shall be in substantially the following form:

NOTICE OF PENDENCY OF ACTION

NOTICE IS HEREBY GIVEN that pursuant to Red Bluff Municipal Code Section 15.18, an administrative abatement action was commenced on ____, by the City of Red Bluff against the property described herein and the action is now pending.

The action alleges that the property is in violation of Red Bluff Municipal Code Section 15.17 in that it constitutes a dangerous building and that such dangerous building must be abated.

As of the date of commencement of the abatement action, the name and address of the record owner of the property described herein is:

The real property against which the abatement action is pending is that certain real property commonly known as ____, Assessor Parcel Number ____, and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

CITY OF RED BLUFF

Dated:

Name of Officer

§ 15.19 NOTICE OF FINAL DISPOSITION OF ABATEMENT ACTION.

Notice of final disposition of abatement action.

The enforcement officer shall record a notice of final disposition of action within fifteen calendar days following the earlier of the following dates: (1) the date the enforcement officer verifies both voluntary compliance in abating the dangerous building and payment of all accrued costs of abatement to which the city is entitled pursuant to this chapter; or (2) the date of final resolution of the abatement action. The notice of final disposition of action shall be in substantially the following form:

**NOTICE OF FINAL DISPOSITION
OF ACTION**

NOTICE IS HEREBY GIVEN THAT pursuant to Red Bluff Municipal Code Section 15.19:

1. Final disposition has been reached in the administrative abatement action referenced in that notice of pendency of action recorded on __, in Book __, at Page __ of the Official Records of Tehama County, California.
2. The City of Red Bluff does hereby withdraw the above-referenced notice of pendency/lien of action.

3. The above-referenced notice of pendency of action affected that certain real property commonly known as _____, Assessor Parcel Number _____, and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

CITY OF RED BLUFF

Dated:

Name of Officer

§ 15.20 SUBSTANDARD BUILDINGS, PUBLIC NUISANCES AND BLIGHTED CONDITIONS.

Substandard buildings specified.

Any building or structure, or any portion thereof, including any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exists any of the following conditions to the extent that it endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and is declared to be a substandard building and a public nuisance.

- A. Inadequate Sanitation. Inadequate sanitation shall include, but not be limited to, the following:
1. Lack of, or improper, water closet, lavatory, bathtub, or shower in a dwelling unit, lodging house, or congregate residence;
 2. Lack of, or improper, water closets, lavatories, and bath tubs, or showers per number of guests in a hotel;
 3. Lack of, or improper, kitchen sink;
 4. Lack of hot and cold running water to plumbing fixtures in a dwelling unit, lodging house, hotel, or congregate residence;
 5. Lack of adequate heating facilities;
 6. Lack of, or improper operation of, required ventilating equipment;
 7. Lack of minimum amounts of natural light and ventilation required by the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city;
 8. Room and space dimension less than required by the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city. However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of such requirements in effect at the time of construction, alteration or conversion;

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9. Lack of required electrical lighting;
 10. Dampness of habitable rooms;
 11. Infestation of insects, vermin, or rodents as determined by the enforcement officer;
 12. General dilapidation or improper maintenance;
 13. Lack of connection to required sewage disposal system;
 14. Lack of adequate garbage and rubbish storage and removal facilities as determined by the enforcement officer.
- B. Structural Hazards. Structural hazards shall include, but not be limited to, the following:
1. Deteriorated or inadequate foundations;
 2. Defective or deteriorated flooring or floor supports;
 3. Flooring or floor supports of insufficient size to carry imposed loads with safety;
 4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
 5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;
 6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split, or buckle due to defective material or deterioration;
 7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 8. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration;
 9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.
- C. Nuisances. Any nuisance as defined in this code, state law, or common law.
- D. Hazardous Wiring. Hazardous wiring includes all wiring not installed, maintained or used in conformance with the Red Bluff Municipal Code, the California Building Code, the California Electrical Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, hazardous wiring shall not include wiring that conformed with all applicable laws in effect at the time of installation and that has been adequately maintained in a good and safe condition and is being used in a safe manner.
- E. Hazardous Plumbing. Hazardous plumbing includes all plumbing not installed, maintained or used in conformance with the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city. Except as
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provided in any federal, state, or local law or ordinance now or hereinafter enacted, hazardous plumbing shall not include plumbing that conformed with all applicable laws in effect at the time of installation and that has been adequately maintained in a good and safe condition and that is free of cross-connections and siphonage between fixtures.

- F. Hazardous Mechanical Equipment. Hazardous mechanical equipment includes all mechanical equipment, including vents, not installed, maintained or used in conformance with the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, hazardous mechanical equipment shall not include mechanical equipment that conformed with all applicable laws in effect at the time of installation and that has been adequately maintained in a good and safe condition and is being used in a safe manner.
- G. Faulty Weather Protection. Faulty weather protection, which shall include, but not be limited to, the following:
 - 1. Deteriorated, crumbling or loose plaster;
 - 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
 - 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering;
 - 4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- H. Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the building official or fire chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause, shall be deemed to be a fire hazard.
- I. Faulty Materials of Construction. Faulty materials of construction shall include all materials of construction except those that are specifically allowed or approved by Red Bluff Municipal Code, the California Building Code, and any other code adopted by the city, and that have been adequately maintained in good and safe condition.
- J. Hazardous or Unsanitary Properties. Hazardous or unsanitary properties shall include those properties on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions that, in the opinion of city officials or the health officer, constitute fire, health or safety hazards.
- K. Unsafe Building. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance or any other reason, in

accordance with the Red Bluff Municipal Code, the California Building Code, the California Fire Code or any other code adopted by the city.

L. Inadequate Exits.

1. Inadequate exits includes all buildings or portions thereof not provided with adequate exit facilities as required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law, or ordinance now or hereinafter enacted, inadequate exits shall not include those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained in a good and safe condition and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
2. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.

M. Inadequate Fire-Protection or Fire-Fighting Equipment. Inadequate fire-protection or fire-fighting equipment includes all buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate fire-protection or fire-fighting equipment shall not include those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained in good and safe condition and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

N. Improper Occupancy. Improper occupancy includes all buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for such occupancies.

O. Inadequate Structural Resistance. Inadequate structural resistance includes all buildings or portions thereof not constructed with adequate structural resistance to horizontal forces as required by the Red Bluff Municipal Code, the California Building Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate structural resistance shall not include any building that conformed with all applicable laws at the time of its construction and that has been adequately maintained in a good and safe condition and is being used in a safe manner.

Public nuisances specified.

It is declared a public nuisance for any person owning, leasing, subleasing, occupying, or having charge or possession of any property in this city to maintain such property in

such a manner that any one or more of the following conditions or activities are found to exist.

- A. The keeping, storage, depositing, or accumulation on the property of any personal property that is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values. For purposes of this section, "personal property" includes, but is not limited to, junk as defined in Section 15.3 of this chapter; abandoned, wrecked or dismantled automobiles; abandoned, wrecked, dismantled, or not seaworthy boats or vessels; automotive parts and equipment; appliances; furniture; containers; packing materials; scrap metal; wood; building materials; rubbish and debris. Wood and building materials being used or to be used for a project of repair or renovation for which an active building permit is in existence may be stored for such period of time as is necessary to expeditiously complete the project. Upon finalization, expiration or cancellation of the permit, the wood and building materials of any nature for the project must be immediately removed.
- B. The keeping, storage, depositing or accumulation on the property of any dead grass, weeds, brush, combustible materials, or rubbish of any kind in such a manner as to constitute a fire hazard, or any manure, dead animals, decayed vegetables, offal, or other similar matter that is in the view of persons on adjacent or nearby real property or the public right-of-way when such items constitutes visual blight, a danger to the health, safety or welfare of the public, reduces the aesthetic appearance of the neighborhood, or is offensive to the senses or is detrimental to nearby property or property values.
- C. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that 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.
- D. The operation of a junk yard or automobile dismantling yard, except in the M-2, General Industrial district.
- E. Any dangerous, unsightly or blighted condition that is detrimental to the health, safety or welfare of the public.
- F. Any condition in violation of Chapter 4 (Animals and Fowl) of the Red Bluff Municipal Code.
- G. Any condition in violation of Chapter 8 (Fire Department) of the Red Bluff Municipal Code or in violation of the California Fire Code.
- H. Any condition in violation of Chapter 5 (Building and Construction) of the Red Bluff Municipal Code.
- I. Faulty Materials of Construction. Faulty materials of construction shall include all materials of construction except those that are specifically allowed or approved

by Red Bluff Municipal Code, the California Building Code, and any other code adopted by the city, and that have been adequately maintained in good and safe condition.

- J. Hazardous or Unsanitary Properties. Hazardous or unsanitary properties shall include those properties on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions that, in the opinion of city officials or the health officer, constitute fire, health or safety hazards.
- K. Unsafe Building. Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance or any other reason, in accordance with the Red Bluff Municipal Code, the California Building Code, the California Fire Code or any other code adopted by the city.
- L. Inadequate Exits.
 - 1. Inadequate exits includes all buildings or portions thereof not provided with adequate exit facilities as required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law, or ordinance now or hereinafter enacted, inadequate exits shall not include those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained in a good and safe condition and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
 - 2. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.
- M. Inadequate Fire-Protection or Fire-Fighting Equipment. Inadequate fire-protection or fire-fighting equipment includes all buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems, or equipment required by the Red Bluff Municipal Code, the California Building Code, the California Fire Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate fire-protection or fire-fighting equipment shall not include those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained in good and safe condition and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- N. Improper Occupancy. Improper occupancy includes all buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for such occupancies.
- O. Inadequate Structural Resistance. Inadequate structural resistance includes all buildings or portions thereof not constructed with adequate structural resistance to horizontal forces as required by the Red Bluff Municipal Code, the California

Building Code, or any other code adopted by the city. Except as provided in any federal, state, or local law or ordinance now or hereinafter enacted, inadequate structural resistance shall not include any building that conformed with all applicable laws at the time of its construction and that has been adequately maintained in a good and safe condition and is being used in a safe manner.

Blighted property.

Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purposes of this chapter:

- A. Abandoned Building or Structure.
 - 1. A building or structure that is not inhabited, occupied or used, and is unsecured. For purposes of this section, a building or structure is unsecured when the public can gain unimpeded or undeterred entry without the consent of the owner.
 - 2. A partially constructed, reconstructed, or demolished building or structure upon which work is abandoned.
- B. Attractive Nuisance. Property which is in an unsecured state to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.
- C. A Building or Structure that is in a State of Disrepair.
 - 1. Exterior wall and/or roof coverings that have deteriorated and do not provide adequate weather protection.
 - 2. Broken or missing windows or doors that constitute a hazardous condition or a potential attraction to trespassers.
 - 3. Building exteriors, walls, fences, and retaining walls that are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety; and driveways or walkways that are broken, deteriorated, or substantially defaced to the extent that the disrepair presents an endangerment to public safety. For purposes of this subsection, defacing includes, without limitation, writings, inscriptions, figures, scratches or other markings commonly referred to as "graffiti."
 - 4. Building exteriors, walls, fences, or retaining walls on which any painted surface is peeling, disintegrating, or sloughing-off to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety.
- D. Property Inadequately Maintained.
 - 1. Overgrown, diseased, dead or decayed trees, weeds, or other vegetation that:

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- a. Constitute a fire hazard, or a condition considered dangerous to the public health, safety and general welfare;
 - b. Are likely to harbor rats, vermin, and other nuisances; or
 - c. Detract from the property values of neighboring properties.
2. Landscaping that is not installed or maintained as required by this code or any permit issued pursuant to this code.
 3. Solid waste, which by reason of its location and character either detrimentally impacts the surrounding neighborhood or community, or which is allowed or permitted to be transported by wind or otherwise onto or upon a public street, alley, or sidewalk. For purposes of this subsection, solid waste means all putrescible and non-putrescible solid and semisolid waste material including without limitation garbage, rubbish, demolition and construction wastes, industrial wastes, vegetable, and animal solid and semisolid wastes, reusable or recyclable material, bulky goods, and other discarded solid and semisolid wastes.
 4. Substantial accumulation of dirt, litter, or debris in vestibules or doorways of residential, commercial, or industrial buildings.
 5. Any swimming pool that is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted water. For purposes of this subsection, "polluted water" means water which contains bacterial growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or material constitutes an unhealthy or unsafe condition or water which is defined as "polluted water" or other similar term under state or federal law.
- E. Property that Creates a Dangerous Condition.
1. Land having a topography, geology or configuration which, as a result of grading operations or improvements to such land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems so as to pose a threat to or be injurious to adjacent properties.
 2. Any condition or object maintained on private property that obscures the visibility to the public of public streets or public street intersections to such a degree as to constitute a hazard. Such conditions include without limitation vehicles, landscaping, fencing and signs.
 3. Conditions that due to their accessibility to the public may prove hazardous or dangerous, including without limitation:
 - a. Unused and broken equipment;
 - b. Abandoned wells, shafts or basements;
 - c. Hazardous or unprotected pools, ponds, or excavations with barriers and/or fences that are dilapidated and unsafe;
 - d. Structurally unsound fences, walls or structures;
 - e. Machinery that is inadequately secured or protected;
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- f. Lumber, trash, fences, solid waste or debris that may prove a hazard for the public. For purposes of this subsection, solid waste is defined as set forth in subsection (D)(3) of this section;
 - g. Storing or keeping chemicals, gasoline, motor oil, or other substances that may prove a hazard to the public.

F. Signage Conditions.

- 1. Signs that have not been maintained or are in a state of disrepair for a period of more than thirty days, including without limitation, broken signs, signs with missing parts, panels, letters or light bulbs, signs with exposed wiring, or signs out of plumb.
- 2. Signs that are unsafe, dangerous to the public, or a hazard to traffic.
- 3. Illegal signs.
- 4. Abandoned signs as defined in Section 8 of the City of Red Bluff Sign Regulations .
- 6. Defaced Signs. For purposes of this subsection, defacing includes without limitation, unauthorized, unrelated or offensive writing, inscriptions, figures, scratches, or other markings commonly known as graffiti.

G. Parking, Storing, or Maintaining of the Following Items in Areas Zoned for Residential Uses or Zoned Unclassified and Designated by the Red Bluff General Plan as Residential:

- 1. Any airplane or other aircraft, or any parts thereof, in the front yard. Airplane or other aircraft, or any parts thereof, may be stored in the side or back yards if such items are concealed by a fence.
- 2. Any construction equipment, machinery, vehicles or material except as follows:
 - a. Such items may be temporarily kept within or upon the property for and during the time such equipment, machinery, or materials are required for the construction or installation of improvements or facilities on the property for which all required permits have been obtained and are valid.
 - b. Such items may be kept in the side yard or rear yard areas if such items are used for the maintenance of the property or facilities on the property and if such items are concealed by a fence, shrubbery or other similar means.
- 3. Any commercial equipment, machinery, vehicles, or material not authorized by a valid city permit when such items constitute visual blight, reduce the aesthetic appearance of the neighborhood, or are detrimental to nearby property or property values. Commercial equipment, machinery, vehicles, or material not otherwise authorized by a valid city permit may be kept in the side yard or rear yard areas if such items are used for the maintenance of the

property or facilities on the property and if such items are screened by a fence, shrubbery, or other similar means.

4. Special mobile equipment as defined in Section 575 of the Vehicle Code or a utility trailer or boat and/or boat trailer for a period of time in excess of seventy-two consecutive hours in front yard areas or in side yard or rear yard areas not screened by a fence, shrubbery or similar means.
 - a. Any parking, keeping or storing of such items in the side yard or rear yard area shall be either in an accessory building constructed, located, and used in accordance with the provisions of this code or in an area concealed by a fence, shrubbery, or other similar means.
 - b. No such item shall be parked, stored or kept within five feet of any required exit, including exit windows.
 - c. For purposes of this subsection, an item is unlawfully parked, kept or stored in any area for a period of time in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been parked, kept or stored during the intervening period of time upon any public street.
5. Any refrigerator, washing machine, sink, stove, heater, boiler, tank, or any other household equipment, machinery, furniture, appliance or appliances, or any parts of any of the listed items, for a period in excess of seventy-two consecutive hours. For purposes of this subsection, an item is unlawfully kept or stored in any area for a period in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been parked, kept or stored during the intervening period of time upon any public street. This subsection does not prohibit the following:
 - a. Machinery installed in the rear setback areas for household or recreational use.
 - b. Furniture designed and used for outdoor activities.
 - c. Any item stored or kept within an enclosed storage structure or unit. For this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.
6. Storing or keeping packing boxes, lumber, dirt, solid waste, and other debris, except as allowed by this code for the purposes of construction, in any areas visible from public property or neighboring properties for a period in excess of seventy-two consecutive hours. For purposes of this subsection, solid waste is defined as set forth in subsection (D)(3) of this section. For purposes

of this subsection, an item is unlawfully kept or stored in any area for a period in excess of seventy-two consecutive hours when either the item has not been removed from such area for an intervening period of time in excess of seventy-two consecutive hours, or the item has been kept or stored during the intervening period of time upon any public street.

- H. Permit Requirement. Any use which does not have all permits pursuant to Chapter 5: Construction Regulations of this code or where such permits have lapsed or been revoked or where such use is not in compliance with such permits.
- I. General Conditions.
 - 1. Any condition that is detrimental to the public health, safety or general welfare, or that constitutes a nuisance under any other city ordinance, state law or common law;
- J. Exceptions. This chapter shall not prohibit the following:
 - 1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 - 2. A vehicle or part thereof that is stored or parked in a lawful manner on private property on which is conducted the business of a licensed dismantler, licensed vehicle dealer, or a junkyard which is a legal nonconforming use. This exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

§ 15.21 IMMEDIATELY DANGEROUS BUILDING, DANGEROUS BUILDINGS, SUBSTANDARD BUILDINGS, PUBLIC NUISANCES AND BLIGHTED CONDITIONS - VIOLATION.

- A. No owner, agent, manager, lessee, sublessee, or occupant shall maintain a property in any of the conditions described in Sections 15.1, 15.2, or 15.20 of this chapter, or shall cause or permit the property to become or remain in such a condition.
- B. Any person violating the provisions of Sections 15.1, 15.2 or 15.20 of this chapter shall be guilty of a misdemeanor each day such violation continues. In addition, the city attorney may seek civil penalties in an amount not to exceed five hundred dollars per violation in any civil action brought to enforce any provision of this chapter.

Abatement of substandard buildings, public nuisances, and blighted conditions.

- A. Whenever an enforcement officer has inspected or caused to be inspected any building, structure, or property and has found and determined that such building or structure is a "substandard building," that such property is a "public nuisance," or that such property contains "blighted conditions," as these terms are defined in this chapter, he or she may commence an administrative proceeding to abate the building, nuisance or condition.

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- B. Administrative proceedings to abate a substandard building, public nuisance, or blighted condition shall be governed by the provisions of Section 15.8 of this title. To commence such action, an enforcement officer shall issue a compliance order. In addition to the information required by Section 15.8 of this title, the compliance order shall contain a statement that the enforcement officer has found: (1) the building to be substandard, with a description of the conditions found to render the building substandard, and/or (2) that the property constitutes a public nuisance with a description of the conditions that constitute the public nuisance, and/or (3) that the property contains a blighted condition with a description of such conditions.

§ 15.22 NEGLECTED VACANT BUILDINGS.

Cumulative remedies.

The remedies, penalties and other provisions of this chapter are cumulative to each other and to any other available under other city ordinances, state law, common law or equity, and nothing in this chapter shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate neglected vacant buildings.

Compliance required.

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

Neglected vacant building—Public nuisance.

A neglected vacant building is declared to be a public nuisance.

Structural and building standards.

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

Fire safety standards.

- A. All vacant buildings shall be maintained in a manner which does not create an unreasonable risk of fire, including the removal of weeds, brush, vegetation, and debris which may constitute a fire hazard.
- B. No vacant building or portion thereof shall be used for the storage of hazardous, combustible or flammable liquids or other materials which would constitute a safety or fire hazard.
- C. Heating facilities or heating equipment in vacant buildings shall either be removed or maintained in accordance with applicable codes and ordinances. If heating equipment

is removed, any fuel supply shall be removed or terminated in accordance with applicable codes and ordinances.

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

Security standards.

- A. All vacant buildings shall be maintained in a way which secures it from any unauthorized entry.
- B. The owner or responsible agent of a vacant building which has remained unoccupied for a period of more than thirty days and which has suffered from vandalism, broken windows, broken doors or which had an unauthorized entry must provide security which is adequate to prevent further deterioration and/or unauthorized entry and must meet or exceed the following minimum standards:
1. All windows and sliding doors shall provide resistance to entry equivalent to or greater than that of a solid sheet of three-eighths inch CCX plywood, cut to fit the opening, and securely nailed using 10D galvanized nails into the header, trimmer stud and sill, spaced not more than six inches on the center.
 2. Doors and service openings with thresholds located ten feet or less above grade, or a stairway, landing, ramp, porch, roof or similarly accessible area shall provide resistance to entry equivalent to or greater than that of a closed solid core door one and three-eighths inches thick equipped with a one inch throw deadbolt with two and one half inches long # 8 screws in the strike-plate penetrating into the trimmer stud.
 3. As an alternate to subsection B2 of this section and except as provided in subsection 4 of this section, exterior doors shall be secured from the interior of the building by toe nailing them to the door frame using 16D galvanized nails nailed at six inches on center penetrating into the trimmer stud.
 4. There shall be at least one operable door into each building and into each unit of the building. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a one-inch deadbolt or deadlatch with two and one-half inch long # 8 screws in the strike-plate penetrating into the trimmer stud.
 5. All locks shall be kept locked. When a door cannot be made operable, a replacement door shall be constructed of three-quarter inch CCX plywood and shall be secured as described in subsections B2 and 3 of this section.

Debris removal.

All vacant buildings including all adjoining yard areas shall be maintained free of debris, combustible materials, litter and garbage.

Appearance.

- A. All vacant buildings must be maintained in a manner which minimizes the appearance of vacancy, including the prompt removal of graffiti.
- B. All exterior surfaces, including any boarded windows or doors shall be applied with sufficient paint, siding, stucco or other finish to weatherproof the vacant building and to create a sufficient appearance of repair to deter unauthorized entry or occupation. Vacant buildings subject to an existing use permit shall maintain the landscaping and exterior of the building in compliance with the use permit.
- C. The exterior of the vacant building property, including all landscaping, shall be kept in such condition as not to create the appearance of an unsecured, unoccupied structure or other hazard to public safety.
- D. Signage and its support(s) that no longer relate to the activities in the building shall be removed from the site. Any remaining signage shall be maintained in a manner which minimizes the appearance of vacancy.

Violations.

Any person violating the provisions of this chapter is guilty of a misdemeanor for each day such violation continues.

Enforcement.

Violations of this chapter may be abated as a public nuisance pursuant to Chapter 15.1 of this code.

