



Nuisance Ordinance Update



Benjamin Moody, Development Services Director
September 1, 2020

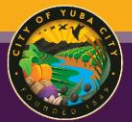


Background

- Council desires to enhance and promote property maintenance throughout the City
 - Promote livability
 - Enhance community appearance
 - Raise social and economic conditions for the community
- Complete Replacement of Existing Ordinance
 - Existing Ordinance needed updates to:
 - Match state laws
 - Meet noticing requirements
 - Address problematic nuisance definitions



Background – Common Nuisances





Background – Common Nuisances

- Violations and number of cases submitted via YC311 (8/1/19 through 8/1/20)

Violation	Cases
Abandoned House/Building	12
Fence	26
Graffiti	60
Home Business	30
Intersection Line-of-Sight (trees/shrubs blocking)	25
Marijuana Cultivation	9
Property maintenance	326
Shopping Cart	126
Sign	10
Substandard Building/Structure	39
Tree Overgrown/Dead	22
Trees/shrubs Encroaching on Sidewalk/Roadway	71
Vehicle on Private Property	86
Weeds (not a fire hazard)	26



- Other regularly occurring case types:

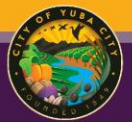
- Vendor permit compliance: Mobile/sidewalk/open air; fruit/mobile phones/yard sales/holiday sales
- Non compliant accessory dwellings/unpermitted building issues
- Truck parking
- RV parking
- Vacant property weed abatement



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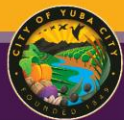
- Proposed Ordinance
 - Complies with current legal requirements
 - Provides streamlined/clarified processes
 - Provides for a wide range of enforcement mechanisms
 - Updates/Adds nuisance definitions





Nuisance Ordinance

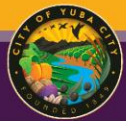
- **Substantial Modifications/ Changes**
 - Clarified violations, fees, noticing, and appeal processes
 - Reviewed and confirmed definitions to clearly define nuisance types and that they meet current goals
 - Added requirements for property owners to trim trees/shrubs around street signs and/or street lights.
 - Clarified conflicts with public property; i.e. removal of garbage, sporting equipment, landscape material, and other personal property from the public right of way
 - Tractor trailer parking clearly defined
 - Vacant property definitions and requirements for Vacant Property Plans



Abatement Processes

- **Goal – Voluntary Compliance**
- Provides tools for encouraging compliance
 - Administrative citations
 - Special assessments
 - Property Liens
 - Public notices on Deeds
 - Authority to clean then bill
 - Criminal prosecution

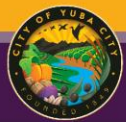




Nuisance Ordinance - Scenario

A typical code enforcement action (i.e. garbage in front of a residence):

- Code enforcement receives a complaint via yc311.
- An onsite inspection is performed to verify complaint.
- Once a complaint is verified, Code Enforcement may make discretionary initial contact:
 - Education – informal notice/door knocker regarding issue, with a reasonable timeline established to remedy. Timelines are established based on the severity of the issue.
- Follow up inspection for compliance.
- If property is still in violation, a formal notice is sent with a reasonable timeline established.
- Follow up inspection.
- If property remains in violation, City would initiate administrative processes.
 - Administrative citation penalty (infraction):
 - (1) First administrative citation: \$100.00 per violation;
 - (2) Second administrative citation: \$200.00 per violation;
 - (3) Third administrative citation: \$500.00 per violation; and
 - (4) \$500.00 per violation for each subsequent administrative citation.

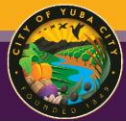


Nuisance Ordinance - Scenario

Enforcement Options: (Blighted Property Scenario)

- **Administrative Citation**

- Ask permission to inspect the property, if permission is denied seek an inspection warrant and conduct inspection.
- Prepare notice to abate property nuisances which identifies the code violations observed upon the property during the inspection and the time period to make the needed repairs. The notice will also identify the time and place to file an appeal and the potential administrative penalties for not removing/repairing the code violations.
- File a notice of pending code enforcement action with the County Recorder which will appear on the property's title report.(Optional)
- Inspect the property after the time period has expired and issue administrative citation for each violation which remains unrepaired/unremoved. Each code violation is a separate violation and each day it remains is a new violation. (Penalties per violation Infraction \$100.00 day 1, \$200.00 day 2, \$500.00 day 3. and Misdemeanor \$250.00 day 1, \$500.00 day 2, \$1,000.00 day 3)
- After a certain amount in administrative penalties is reached, which will depend on the value of the property, seek approval of the City Council to assess the penalties, including any costs associated with an appeal, as a special tax to be included upon the county property tax rolls. Record the special assessment and lien against the property with the County Recorder.
- If the administrative penalties remain unpaid after three years, seek court approval of a foreclosure on the property to recover the assessed penalties from the lien sale of the property

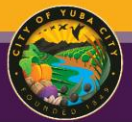


Nuisance Ordinance - Scenario

Enforcement Options: (Blighted Property Scenario) continued...

- **Receivership**

- Determine the value of the property via an appraisal. If sufficient equity exists in the property, seek court appointment of a receivership to conduct the rehabilitation of the property. Once rehabilitated the property is sold and the City will receive payment from the sale proceeds for any costs associated with the code enforcement action and initiating the receivership.

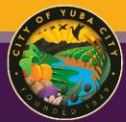


Nuisance Ordinance - Scenario

Enforcement Options: (Blighted Property Scenario) continued...

• Immediate Abatement

- Request permission to enter the property and abate the nuisances, unless the nuisances constitute an immediate threat to public health and safety.
- Seek an inspection and abatement warrant for the property.
- Enter the property and abate (remove/repair) the nuisances.
- Provide the property with notice of the nuisances and grounds for immediate abatement, provide an opportunity to appeal the notice.
- Seek approval of the City Council to assess the costs of abatement, including any cost incurred for an appeal, as a special tax to be included upon the county property tax rolls. Record the special assessment and lien against the property with the County Recorder.
- If the costs of abatement remain unpaid after three years, seek court approval to foreclose on the property to recover the assessed costs from a lien sale of the property.

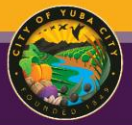


Nuisance Ordinance

- Fiscal Impact
 - Staff time to administer and enforce the ordinance
 - 1.5 Code Enforcement Officers with Administrative support and City Attorney utilized as resources
- Priorities
 - Current priorities have been focused:
 - Health & Safety
 - Homelessness/Camping Ordinance
 - COVID – 19
 - Reactive response to cases/complaints submitted via yc311
 - Proactive responses to City priorities



RECOMMENDATION



Conduct a public hearing then,

Introduce an Ordinance replacing Yuba City Municipal Code Title 4 Chapter 8, Nuisance Abatement Code, and waive the first reading.

Questions?

