



Planning Commission **STAFF REPORT**

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Vincent Gonzalez, Director
Planning and Community Preservation

DATE: July 20, 2017

TO: Planning Commission

FROM: Vincent Gonzalez, Director of Planning & Community Preservation

SUBJECT: VACANT PROPERTY REGISTRATION ORDINANCE

BACKGROUND

At the meeting on July 6, 2017, the Planning Commission (Commission) initiated a discussion regarding the establishment of a Vacant Property Registration Ordinance (VPRO). The Commission reviewed ordinances from the cities of Arcadia, Pasadena, and San Marino and indicated a preference for the ordinance prepared by the City of San Marino. Staff presented a proposed structure for the ordinance to include a purpose statement, definitions, registration process, responsible party response requirements, security requirements, and establishment of fees for discussion purposes.

Since a VPRO is designed to address health and safety issues, such an ordinance will need to include details related to requirements for the identification of a responsible party who can respond to the vacant property within a prescribed period of time to address the health and safety issues that the City is responding to. The Commission indicated that there should be three (3) points of emergency contact, for example the property owner, a responsible party and a management company. The Commission also indicated that a one hour response time was not reasonable and directed staff to identify an alternative such as a twenty four (24) hour response time.

The Commission also had a desire to establish an emergency waiver that will allow Police, Fire and Code Enforcement to access the property that is not visible from public view to address issues such as stagnant water in swimming pools, brush hazards or water line breaks. The waiver would be signed at the time of registration.

It was also suggested that the absentee property owner submit a maintenance plan as part of the registration process to ensure that the property is consistently maintained.

The commission discussed definitions and indicated that we would need a broader term for the definition of “unoccupied” and have a single term definition for “vacant.”

The Commission addressed a vacancy period for properties that are vacant due to absentee property owners and properties that are in the process of obtaining planning and building entitlements. The Commission felt that if a building is vacant for a period of up to 60 days that the registration requirement is applicable. Likewise, property owners in the process of obtaining entitlements should also be required to register the property in addition to vacant properties that are listed for sale. Property owners who are on extended vacations should also have the opportunity to register their property for security purposes at no fee.

Also discussed was the registration fee. Staff indicated that fees should be based on the recovery of administrative costs, which would include the cost of registration and inspection services.

The Commission also addressed the role of the Planning Commission of non-compliant property owners. The consensus was that the Director would address the violation with the Planning Commission as the appeal body.

Separate from a VPRO, the Commission responded to potential amendments for “nuisance properties” that are specific to repeat calls for service requiring response by Police, Fire, and Code Enforcement. The Commission thought that after three repeat calls for service for the same occurrence, a fine should be imposed.

The Commission directed staff to prepare a draft ordinance amending Title 8 of the Health and Safety Code attached as Exhibit A, establishing Chapter 8.18 Vacant Property Registration Ordinance for the Commission’s consideration.

Attachments:

- Exhibit A: Draft Vacant Property Registration Ordinance amending Title 8 of the Health and Safety Code
- Exhibit B: City of San Marino – Uninhabited Residential Property Ordinance
- Exhibit C: City of Arcadia – Registration of Parties for Unoccupied Residences Ordinance
- Exhibit D: City of Pasadena – Vacant Building and Vacant Lot Maintenance & Registration Ordinance
- Exhibit E: City of Sierra Madre Chapter 8 – Health and Safety Code

EXHIBIT A

Municipal Code Text Amendment 17-05
Amending Title 8 of the Health and Safety Code
Creating Section 8.16 – Vacant Property Registration

July 20, 2017

Chapter 8.18

VACANT PROPERTY REGISTRATION

Sections:

- 8.18.010 – Purpose and scope
- 8.18.020 – Definitions
- 8.18.030 – Responsible parties
- 8.18.040 – Registration
- 8.18.050 – Registration fees
- 8.18.060 – Property maintenance requirements
- 8.18.070 – Property maintenance plan
- 8.18.080 – Security requirements
- 8.18.090 – Additional requirements
- 8.18.100 – Violations, penalties and appeals

8.18.010 - Purpose and Scope.

It is the purpose and intent of the city council, through the adoption of this ordinance, to establish a registration program for vacant property as a mechanism to protect residential neighborhoods from becoming blighted through the lack of inadequate maintenance and/or security of vacant properties.

8.18.020 – Definitions.

As used in this Chapter, the following definitions shall apply, and for purposes of this article, shall supersede any other definitions of the same terms in this code.

“Accessible property” shall mean any property that is accessible through a gate, fence, wall, or other barrier that is broken, unlocked, unsecured, or otherwise missing or lacking.

“Accessible structure” shall mean a building or structure (as defined by the building code) that is unsecured in any manner that could allow access to the interior of the building or structure by unauthorized persons.

“Authorized parties” shall mean three (3) persons and/or agents that the property owner designates in writing as having authority to act on the property owner’s behalf in the event of a public safety issue, and each of whom can promptly respond after being contacted by the city that a public safety issue exists on the uninhabited property. The property owner can, but is not required to be, an authorized party.

“Evidence of vacancy” shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is

vacant. Such conditions shall include, but shall not be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, fliers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items and/or commercial furnishings consistent with the permitted residential or commercial uses permitted within the zone of the real property; or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

“Out of area” means not within forty (40) driving miles' distance of the subject property.

“Owner” shall mean any person having legal or equitable title or any interest in any real property, including the right to possess and use that property.

“Owner of record” shall mean the person having title to the property at any given point in time as recorded with the Los Angeles County recorder's office.

“Public safety issue” shall mean an event or observation that a representative of the city considers to pose a threat to the uninhabited property, a neighboring property, or a neighboring resident, including, but not limited to, a call or calls for service to which city personnel respond. Examples include trespassing, property damage, fire, suspected illegal activity, compromised power or gas lines, and damaged water pipes.

“Real property” means any improved or unimproved real property owned by any person and/or any building, structure, or other improvement thereon, or any portions thereof.

“Responsible party” shall mean any person or persons who has/have equitable or legal title to or control real property. "Responsible party" includes, but is not limited to, every owner, owner of record, beneficiary, lienholder, trustee, servicing company, real estate agent, and property management company, as well as any person acting on behalf of another responsible party.

“Securing” shall mean and include such measures as may be directed by the city manager (or designee thereof) that assist in rendering real property inaccessible to unauthorized persons, including, but not limited to, the repair of fences, walls, and other barriers; chaining or padlocking of gates; and/or the repair or boarding of doors, windows, and/or other openings. The boarding of any window, door, or other opening shall be completed to a minimum of the current United States department of housing and urban development (HUD) securing standards at the time the boarding is completed or required and shall be consistent with the requirements of this chapter.

“Unoccupied” shall mean a residential property in which no person has lived on a day to day basis for a period of sixty (60) consecutive days or longer. Periodic visits by a third party to the property shall not constitute inhabitation.

Add occupancy other than owner...

“Vacant” shall mean real property and any building or structure thereon that is not legally occupied, or that otherwise shows evidence of vacancy.

8.18.030 – Responsible parties.

- A. Responsible parties for any real property subject to registration pursuant to this article may retain the services of a local property management service provider that shall be responsible for the maintenance and security of the real property. Responsible parties shall provide in writing the name and telephone number of the property management service provider to adjoining neighbors in case of emergency or other issues that arise in connection with the subject property. The retention of a property management service provider shall not relieve other responsible parties of their obligations, duties, or responsibilities for the maintenance and security of the real property.

- C. Responsible parties shall cause the abatement of any unlawful condition existing on real property subject to registration pursuant to this article within twenty-four (24) hours of observing or of being notified of the unlawful condition. Nothing in this article relieves any responsible party of the need to obtain approvals, permits, and/or licenses as otherwise required by this code.

8.18.040 – Registration

- A. The property owner of any unoccupied residence shall register the property with the Code Enforcement Division.

Registration shall be made when:

1. A property becomes unoccupied and the owner does not intend to have the property occupied within sixty (60) days;
2. A certificate of occupancy is issued for newly constructed or renovated property and the owner does not intend to have the property occupied within sixty (60) days.
3. Property owners in the process of obtaining planning and building entitlements and the property is vacant.
4. Vacant properties that are listed for sale.
5. Property owners who are on extended vacations have the option to register their property for security purposes at no fee.

8.18.050 – Registration Fees.

- A. If the real property shows "evidence of vacancy" (as these terms are defined by this article), the property owner shall register the real property with the city, on city approved forms in person or electronically, within ten (10) calendar

days of the vacancy and shall pay an annual registration fee as set by resolution of the city council. The registration and accompanying fee shall be valid for one year from the date of registration and is able to be renewed annually.

- B. The registration forms, as established by the city manager (or designee thereof) shall contain, at a minimum, the following information:
 - 1. Name and street/office address (not a P.O. Box) and, if different, the mailing address of each beneficiary and trustee;
 - 2. A direct contact name, telephone number, and e-mail address for the person handling the deed of trust;
 - 3. The name, street address, telephone and email address of a local property management service provider responsible for the security and maintenance of the real property, as well as identical information for all realtors who have been engaged to market the real property;
 - 4. A statement of intent that provides the following information:
 - a. The expected period of vacancy;
 - b. A detailed plan for the regular maintenance of the real property during the period of vacancy.
- C. Persons required to register real property pursuant to this article shall keep such property registered and shall comply with all security and maintenance requirements of this article (as well as all other provisions of this code) for the entire time such property remains vacant or shows evidence of vacancy. Persons required to register real property pursuant to this article shall also report in writing to the city any change of information contained in the registration within ten (10) calendar days of the change.
- D. When real property subject to registration pursuant to this article becomes occupied or title is transferred to another responsible party, the property owner and/or prior responsible party shall notify the city in writing within ten (10) calendar days of the property's occupancy or the transfer of title.
- E. In such instance where title to a vacant real property that was subject to registration pursuant to the provisions of this article has been transferred to another responsible party, the new responsible party shall reregister the real property with the city on city approved forms within ten (10) calendar days of the transfer. Reregistration forms shall contain, at a minimum, all of the information required by subsection B of this section. A reregistration fee as set by council resolution shall accompany the reregistration form.
- F. Nothing contained within this chapter relieves a responsible party from complying with any other obligation set forth in any applicable "conditions, covenants, and restrictions" and/or homeowners' association rules and regulations or with any other provision of this code.

8.18.060 – Property Maintenance Requirements.

Real property subject to the registration requirements of this article shall be maintained in a neat, clean, healthful, and sanitary condition at all times. The following conditions do not constitute a neat, clean, healthful, and sanitary condition and shall be explicitly prohibited:

- A. Buildings or structures with graffiti, tagging, or other markings, or graffiti, tagging, or other markings that have not been completely removed or painted over with a color matching the exterior of the remaining portion of the building or structure;
- B. Accumulations of lumber, junk, trash, debris, construction material, household furniture, appliances, clothing, or discarded, unused, or abandoned personal property on exterior portions of the real property;
- C. Accumulations of newspapers, circulars, fliers, notices, or other printed material that give the appearance that the property is vacant (except those required by federal, state, or local law);
- D. Vegetation that is overgrown, dead, decaying, or otherwise that is not adequately trimmed, pruned, cut, fertilized, watered, or replaced;
- E. Swimming pools, spas, or other bodies of water that are not maintained in such a manner as to be free and clear of pollutants or debris, or that are maintained in such a manner as to be likely to harbor mosquitoes, insects, or vectors, including, but not limited to, water that is clouded or green, water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or swimming pools that are not covered, secured and/or maintained in such a manner that water cannot collect or accumulate therein or on top of a cover thereon; and
- F. Accessible property or accessible structures not secured as required by this code.

8.18.070 – Property Maintenance Plan.

- A. Real property subject to the registration requirements of this article shall submit at time of registration a property maintenance plan that includes:
 - 1. General landscape maintenance.
 - 2. Brush clearance and tree trimming.
 - 3. Building maintenance shall ensure that all structures are secure, free of pests, and maintained in a manner consistent with the neighborhood.
 - 4. Regular swimming pool maintenance, if applicable.

- B. Bi-annual inspection of the exterior of the building to ensure that the building is maintained in accordance with the maintenance plan on file.

8.18.080 – Security requirements.

- A. Real properties subject to registration pursuant to this article (and buildings or structures thereon) shall be secured within seventy two (72) hours of becoming vacant, in a manner to prevent access by unauthorized persons, including, but not limited to, the closure, locking of windows, doors, gates, or other openings of such size that it may allow a child to access the interior of the real property and/or buildings or structures located thereon (including garage structures or detached accessory structures).
- B. Responsible parties for any real property subject to registration pursuant to this article shall submit an “emergency waiver” to the City of Sierra Madre at the time of registration to authorize the police department to remove and/or arrest all unauthorized persons from the property. The waiver will also allow the Fire Marshall and Code Enforcement Officer to access the property to respond to health and safety issues such as stagnant water in swimming pools, brush hazards or water line breaks.

8.18.090 – Additional requirements.

- A. In addition to the specific maintenance and security requirements provided in this article, the Planning and Community Preservation Director (Director), police department, and/or fire department (or designees thereof) shall have the authority to require responsible parties for real property subject to registration pursuant to this article to implement additional maintenance and security measures in order to effectuate the purpose of this article, including, but not limited to, the installation of security lighting and increasing the frequency of on-site inspections by the property owner or authorized agent.

8.18.100 – Violations, penalties and appeals.

- A. Notwithstanding any other provision of this article to the contrary, any person who causes, permits, or suffers a violation of any provision of this article, or who fails to comply with any obligation or requirement of this article, is guilty of a misdemeanor punishable in accordance with Title 1, Chapter 1.14 Public Nuisances, Code Enforcement Fees and Attorney’s Fees of this code and is also subject to administrative citations in accordance with Title 1, Chapter 1.18 Administrative Enforcement of this code.
- B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this article, or of any law or regulation

referenced herein, is allowed, committed, continued, maintained, permitted or suffered by such person, and shall be punishable accordingly.

- C. Any responsible party may request a hearing before the Planning Commission in order to challenge or appeal the imposition of any additional maintenance and/or security requirements pursuant to this section in accordance with the requirements, procedures, and provisions of this Chapter.
- D. This article does not exclusively regulate the use, maintenance, and security of real and/or personal property within the city, and the remedies provided in this article are in addition to other remedies and penalties authorized by this code, or by the laws of the state of California or of the United States.

EXHIBIT B

City of San Marino
Uninhabited Residential Property

July 20, 2017

SAN MARINO

Article 18

UNINHABITED RESIDENTIAL PROPERTY

14.18.01: PURPOSE AND INTENT:

14.18.02: DEFINITIONS:

14.18.03: REGISTRATION:

14.18.04: REGISTRATION FEE:

14.18.05: NOTIFICATION PROCESS:

14.18.06: VIOLATION:

14.18.01: PURPOSE AND INTENT:

This article is enacted to mitigate the public safety issues that can arise when residential properties are uninhabited for extended periods of time.

The provisions of this article are in addition to other provisions of this code that pertain to vacant property and property maintenance standards, and nothing in this article supersedes any other provision of this code. (Ord. 0-16-1312, 1-11-2017)

14.18.02: DEFINITIONS:

AUTHORIZED PARTIES: Three (3) or more persons and/or agents that the property owner designates in writing as having authority to act on the property owner's behalf in the event of a public safety issue, and each of whom can promptly respond after being contacted by the city that a public safety issue exists on the uninhabited property. The property owner can, but is not required to be, an authorized party.

CURRENT CONTACT INFORMATION: One or more current telephone numbers for each of the authorized parties.

PROMPTLY RESPOND: Arriving at the uninhabited property within one hour after contact by a city of San Marino representative.

PUBLIC SAFETY ISSUE: An event or observation that a representative of the city considers to pose a threat to the uninhabited property, a neighboring property, or a neighboring resident, including, but not limited to, a call or calls for service to which city personnel respond. Examples include trespassing, property damage, fire, suspected illegal activity, compromised power or gas lines, and damaged water pipes.

UNINHABITED: A residential property in which no person has lived on a day to day basis for a period of sixty (60) consecutive days or longer. Periodic visits by a third party to the property shall not constitute inhabitation. (Ord. 0-16-1312, 1-11-2017)

14.18.03: REGISTRATION:

Residential property owners that own a residential property that is or will become uninhabited shall contact the San Marino police department, register the property and provide the names and contact information for the authorized parties and such other information as the police department shall require. This information will be maintained by the San Marino police department and will be used solely for purposes related to this article.

Once a property is registered, the property owner shall keep the list current and ensure that each person on the list qualifies as an authorized person. (Ord. 0-16-1312, 1-11-2017)

14.18.04: REGISTRATION FEE:

The city council shall from time to time establish a fee the owner shall pay for registering an uninhabited property. (Ord. 0-16-1312, 1-11-2017)

14.18.05: NOTIFICATION PROCESS:

If a city representative responds to a call for service relating to a residence that appears to be uninhabited and which is not registered with the city, a notice regarding the requirements of this article will be left at the residence.

If there is no response to this notice, follow up checks will be made to the residence no less than every thirty (30) days with subsequent notice(s) left for the property owner. (Ord. 0-16-1312, 1-11-2017)

14.18.06: VIOLATION:

It shall be unlawful for a property owner to fail to register his or her uninhabited residential property with the city of San Marino police department. Property owners must provide and keep a current list of three (3) authorized parties or designate a person as an authorized party for the uninhabited property if the property owner is unable to respond to a public safety issue within one hour after notification by the city. (Ord. 0-16-1312, 1-11-2017)

EXHIBIT C

City of Arcadia

Ordinance 2346
Registration of Responsible Parties
for Unoccupied Residences

July 20, 2017

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 4 of Article IX of the Arcadia Municipal Code is hereby amended in its entirety to read as follows:

"9400. TITLE.

The provisions of this Chapter shall be known as the Property Maintenance and Nuisance Abatement Code and will be referred to herein as "this Code."

9401. PURPOSE AND LEGISLATIVE FINDINGS.

The purpose of this Code is to ensure proper maintenance of property within the City of Arcadia so that the public health, safety and welfare are not endangered by substandard properties and the blighting effect such properties have on the entire community in consideration of the following findings:

- A. The City Council of the City of Arcadia ("Council") has determined that the City has an extensive and widely recognized history and reputation for well-kept properties and that the general welfare of the City is founded, in part, upon the appearance and maintenance of properties.
- B. The Council has determined that the keeping or maintaining of properties at variance with the level of maintenance of surrounding properties will result in substantial diminution in the enjoyment, use, aesthetic and property values of such surrounding properties.
- C. The Council has determined that it is desirous to enhance and promote the maintenance of property and the enhancement of the livability, community appearance, and the socioeconomic conditions of the community.

- D. The Council has further determined that the uses and abuses of property as described herein reasonably relate to the proper exercise of police power to protect the health, safety and general welfare of the public.
- E. The Council has determined that the provisions prescribed herein will enhance the appearance and value of such properties rather than be a burden on the owners thereof.
- F. The strong role of aesthetic concerns as justification for exercise of the police power has been reemphasized by the United States Supreme Court in the case of *Members of City Council v Taxpayers for Vincent*, 104 S. Ct. 2118 (1984).
- G. Unless corrective measures of the type set forth in this Chapter are undertaken to alleviate such existing conditions, the public health, safety and general welfare, and the property values and social and economic standards of this community will be substantially depreciated, and the abatement of the conditions will enhance the environment of the residents of the City.
- H. The abatement procedures set forth in this Chapter are reasonable and afford a maximum of due process and procedural guarantees as to affected property owners.

9402. DEFINITIONS.

9402.1 BUILDING OFFICIAL.

"Building Official" shall mean the Chief Building Official of the City, or their authorized representative, or any Code Enforcement Officer or Inspector designated by the Planning Director to enforce this Chapter.

9402.2 DIRECTOR.

"Director" shall mean the Development Services Director or his or her designee.

9402.3 OWNER.

"Owner" shall mean any person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having a legal or equitable title or any interest in the property. For purposes of providing notice to an owner under this Code, "owner" includes the owner's agent, employee, or other legal representative.

9402.4 PREMISES.

A lot or parcel of land or property including a building or part thereof situated thereon, improved or unimproved, parking areas thereon, walkway, and sidewalks.

9402.5 RESPONSIBLE PARTY.

"Responsible party" or "responsible person" shall mean any person that is responsible for causing or maintaining a violation of this Code, including but not limited to a property owner, lessee, occupant, tenant, a person with a legal interest in the property, or a person in possession or control of the property.

9402.6 SUBSTANDARD.

Any of the following listed conditions on real property are substandard:

- A. Any condition which is maintained in violation of or in noncompliance with any regulation of the Arcadia Municipal Code.
- B. Any unsafe building or structure as defined by Section 116 of the California Building Code, as adopted by Article VIII of the Arcadia Municipal Code.

- C. Any building or structure, including components or parts thereof, and the site upon which it stands, which has faulty weather protection, including but not 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. Deteriorated, broken, rotted, split or buckled exterior wall coverings or roof coverings.
- D. A building or structure or part thereof which was constructed, or partially constructed, without complying with applicable provisions of the Arcadia Municipal Code or other law.
- E. Any building or structure or portion thereof which cannot be lawfully used in its existing location and condition for any purpose for which it is designed.
- F. Any partially constructed building or structure, together with material and equipment used for construction, which is not completed within a reasonable time, or upon which there is a cessation of work for more than sixty (60) days, unless such completion or cessation of labor is caused by factors which are not within the control of the owner, such as war, labor strikes and litigation.
- G. Unoccupied buildings left open or unlocked, or otherwise unsecured from intrusion by persons, animals or the elements, or which have been secured

by unlawful means, including but not limited to windows, doors and other openings which are not boarded up.

- H. Unsightly, partly completed or partly destroyed buildings, structures or improvements that endanger or injure neighboring properties or the public health, safety or general welfare.
- I. Weeds or dead vegetation on the premises or adjacent parkways.
- J. Vegetation which is excessively overgrown so as to constitute a fire, health or safety hazard.
- K. An accumulation of debris, or equipment, which is not lawfully screened from view from adjacent property, public or private.
- L. Refuse, rubbish, garbage, offal, animal excrement or other waste material which is not kept or disposed of in accordance with regulations of the Arcadia Municipal Code or other provisions of law.
- M. A lack of maintenance of buildings, structures and landscaping, including lawns, trees, and shrubbery, which results in conditions out of harmony or conformity with the maintenance standards of adjacent property.
- N. Soil which is in such a condition, from whatever cause, that dust clouds form when the soil is disturbed by any cause.
- O. Vehicles, motorcycles, trailers, campers, boats, other recreational vehicles, or any vehicular-related items parked or stored on front or side yards or on any part of property used or zoned for residential, commercial, and/or industrial purposes, other than on a lawfully installed paved surface, or vehicles parked on unpaved surfaces on the front or side yards or any property used or zoned

for residential, commercial, and/or industrial purposes, or on the rear yard adjacent to any public street on any property used or zoned for residential, commercial, and/or industrial purposes.

P. Maintenance of premises by any person owning, leasing, occupying, or having charge or possession of said premises, in a manner which is at variance with the level of maintenance of surrounding premises, including but not limited to the existence of any of the following:

1. Buildings which are abandoned, boarded up without City direction, partially destroyed, or partially constructed or uncompleted building after building permits have expired;
2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping and cracking;
3. Broken windows, doors, attic vents and underfloor vents;
4. Improperly maintained landscaping visible from streets, right-of-way, and adjacent properties at grade level which includes, but is not limited to:
 - a. Untrimmed hedges and grass;
 - b. Dying trees, shrubbery, lawns and other desired plant life from lack of water or other necessary maintenance;
 - c. Trees, shrubbery allowed to grow uncontrolled without proper pruning;
5. Overgrown vegetation which is unsightly and likely to harbor rats or vermin;
6. Dead, decayed or diseased trees, weeds and other vegetation;

7. Trash, garbage or refuse cans, bins, boxes, or other such containers stored in front, side or rear yards visible from public streets;
 8. Lumber, junk, trash, debris or salvage materials maintained upon any premises which is visible from a public street, alley, adjoining property;
 9. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street or adjoining premises;
 10. Abandoned, wrecked, dismantled or inoperative trailers, campers, boats and other motor vehicles which are accumulated or stored in yard areas;
 11. The accumulation of dirt, litter or debris, in vestibules, doorways on the premises adjoining walkways or parkways;
 12. Building exteriors, walls, fences, driveways, or walkways which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches or other marking commonly referred to as "graffiti";
 13. Signs, posters, or banners that are not permitted uses;
 14. The failure to keep the sidewalk and parkways in front of any house, place of business or premises, or on the side or rear portions thereof adjacent to a public street, in a clean and wholesome condition.
- Q. The use, or maintenance or allowance of conditions that are inconsistent with the site plan and design review regulations, and any noncompliance with said regulations as set forth in the Arcadia Municipal Code Sections 9107.19 et seq.

- R. The placement, allowance, use or maintenance of signs, posters, and banners that are not permitted uses in the City of Arcadia.
- S. Hanging of laundry on clothes lines or on any other structures within the required front and street side yard areas where the laundry is visible from the public street. In the family zones, laundry may not be hung from any patio or balcony.
- T. The topography or configuration of any property, whether the natural state or as a result of grading operations, which causes or will cause erosion, subsidence, surface water runoff problems, or other conditions which will, or may, be injurious to the public health, safety and welfare or to adjacent properties.
- U. Constructing, carrying on, or maintaining any public washhouse or laundry without connecting the same with a sewer or with a cesspool of sufficient size to properly receive and dispose of all wash or laundry water, or failing to keep such washhouse or laundry in a thoroughly clean, sanitary and safe condition.
- V. Pools and spas that are not kept in working order so the water remains clear and free of pollutants and debris or that could be a breeding ground for mosquitoes and other vectors or that do not comply with the minimum security fencing requirements of the state of California.
- W. The property has become a refuge for coyotes, vermin or other wildlife.

9403. SUBSTANDARD, UNLAWFUL CONDITIONS; DUTIES AND PROHIBITIONS.

- A. Substandard and unlawful conditions as referred to in this Code shall constitute public nuisances.

- B. It shall be the duty of the owner, responsible party, agent of the owner, lessee, occupant, person in possession, any person with a legal interest in any premises, lot, parcel, tract, or piece of land, improved or unimproved, in the City to keep such premises, lot, parcel, tract, or piece of land free from all substandard, nuisance, and unlawful conditions.
- C. It shall be unlawful for any person to construct or maintain property in a substandard condition.
- D. Any condition of property that is substandard, unlawful, or otherwise constitutes a public nuisance shall be abated by repair, rehabilitation, demolition, removal, or otherwise brought into full compliance with this Code.
- E. Nothing in this Code shall be deemed to provide authority or permission to trim or remove trees within the parkway area or to remove protected trees on the property.

9404. ENFORCEMENT; ABATEMENT OF NUISANCES.

The Director, the Building Official, and their designee(s) shall have the rights and powers of enforcing the provisions of this Development Code.

9404.1 INSPECTIONS.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Director, Building Official, or their designee(s) have reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises substandard, the Director, Building Official, or their designee(s) may enter such building or premises at all reasonable times to inspect the same or to perform any duty

imposed upon the Building Official by this Code; provided that if such building or premises be occupied, he or she shall first present proper credentials and demand entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

B. For the purpose of necessary investigations and inspections, the Director, the Building Official, and their designee(s) are hereby authorized to enter upon the following defined areas of private property within the City:

1. Any area which is open to the public generally;
2. Any area which is visible and accessible from the public street and which is not fenced or locked or otherwise physically arranged in a manner as to evidence an intent to prohibit entry;
3. Any area which is used as common area by persons residing or staying in structures located upon the property, unless the area is fenced or locked or otherwise physically arranged in a manner as to evidence an intent to prohibit entry; and
4. Any area where the privacy of an individual would not be violated by entry.

C. Any person who interferes or refuses with the right of entry granted by this Section shall be guilty of a misdemeanor.

9404.2 INITIAL ENFORCEMENT ACTION.

A. Determination. This Section describes the procedures for initiating enforcement actions in cases where the Director, the Building Official, and/or their designee(s) have determined that real property within the City is being used, maintained, or allowed to exist in a substandard condition. It is the

objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Code may be avoided.

B. Notice to Responsible Parties. The Building Official or the City's Code Services Staff, shall provide the record owner of the subject site and any person in possession or control of the site and any other responsible parties with a written Notice of Violation. The notice shall be given by personal delivery to the owner and the responsible party described in the notice or by depositing it in the United States mail addressed to the owner, agent of the owner, lessee, occupant, or person in possession of the premises therein described at his or her last known address. If no address is known or made known, then to general delivery, Arcadia, California, and there shall be a copy of such notice posted in a conspicuous place upon the building, structure, or improvement.

C. Contents of Notice. The Notice of Violation shall include the following information:

1. A description of each violation and citations of applicable Code provisions being violated;
2. An order to correct and abate the violations and any public nuisance within 14 days from the date of the notice, or within a shorter time as stated in the notice if the violation constitutes a hazard to public health or safety;
3. A statement that the City intends to charge the property owner for all administrative costs associated with the abatement of the violation(s); and

4. A statement that the property owner or any person in possession or control of the site may, within fourteen (14) days from the issuance of the Notice of Violation, submit a written appeal of the order to abate to the Director.
- D. Proof of Service. In the absence of fraud, no error or mistake in the sending of the notices, and no failure on the part of any property owner to receive the same shall in any way affect the validity of the proceedings, but the person mailing or posting such notice may file his or her affidavit of mailing or posting, and such affidavit shall be conclusive evidence that the notices have been mailed or posted as required.
 - E. Other Procedures. Other enforcement procedures, including but not limited to civil or criminal prosecution may be employed by the City after or instead of the provisions of this Section.

9404.3 APPEAL OF NOTICE OF VIOLATION.

- A. Upon request by a responsible party that is filed with the Development Services Department within fourteen (14) days after mailing of the Notice of Violation, the Director or his or her designee shall hold a hearing at a date and time determined by the Director. The Director may designate a third party hearing officer to hold the hearing.
- B. The Director or his or her designee shall hear and consider objections and/or protests from any responsible party or other interested persons relative to the Notice of Violation. The Director, or his or her designee, shall hear and receive all relevant evidence and testimony relative to the alleged public

nuisance and shall consider methods to abate such nuisance. The Director or designee may continue the hearing from time to time.

- C. Upon or after the conclusion of the hearing, the Director, or his or her designee, shall, based upon the evidence presented at the hearing, determine whether the affected premises, or any part thereof, as maintained, constitute a public nuisance as defined herein. The decision of the Director or his or her designee shall be final.

9404.4 RECORDING NOTICE OF VIOLATION.

- A. Recordation. If property in the City exists in violation of this Development Code and the owner fails or refuses to correct the violation within the time set forth in the Notice of Violation, the City may record the Notice of Violation against the affected property in the County Recorder's Office.
- B. Mailing Notice. Before recording a Notice of Violation, the City shall send a written Notice of Violation to the current owner(s) of record and any mortgage holder(s) notifying that a violation(s) exists and request that the owner(s) correct the violation within a specified, reasonable period of time.
- C. Constructive Notice. The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation(s) to all successors-in-interest in the property, under California Civil Code Sections 1213 and 1215.
- D. Release or Cancellation of Notice of Violation. If the owner or other responsible party corrects the violation(s) after the Notice of Violation has been recorded, and the owner or other responsible party has notified the City in writing and consented to an inspection to confirm the correction, Code

Services Staff shall record a release or cancellation of the Notice of Violation upon receipt of the costs to record the release or cancellation.

9404.5 ENFORCEMENT OF FINAL ORDER; ABATEMENT BY CITY.

- A. After any order made pursuant to this Code becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of either a misdemeanor or an infraction, punishable pursuant to Section 1200 of the Arcadia Municipal Code.
- B. After any order made pursuant to this Code becomes final, the Director or Building Official may in his or her sole discretion grant an extension of time, or establish a schedule, for the person subject to the order to complete the repair, rehabilitation, or demolition required by the order. Any extensions shall only be granted upon the person subject to the order agreeing to the extensions and any conditions of the extensions.
- C. If, after any order made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (1) cause such person to be prosecuted pursuant to Section 1200 of the Arcadia Municipal Code, and (2) institute any appropriate action or procedure to abate the public nuisance by proper means including rehabilitation, demolition or repair. It shall be the duty of the Building Official in conjunction with the designated department to take such action as specified in the notice necessary to abate the unlawful condition(s) on the premises.

- D. Nothing in this Chapter shall be deemed to prevent the City from directing the City Attorney to commence a civil action to abate a nuisance.

9404.6 SUMMARY ABATEMENT.

Any substandard or nuisance conditions, as defined in this Code, for which the responsible parties cannot be readily ascertained and which can be abated by the City pursuant to the removal of specific items, or any substandard or nuisance conditions which are causing an imminent risk to public health, safety, and welfare, are subject to immediate abatement by City forces, without use of the procedures set forth in Section 9404. The costs for summary abatement shall be assessed to the responsible parties.

9405. RECOVERY OF COSTS.

9405.1 LIABILITY FOR COSTS.

- A. The property owner and any other party responsible for the substandard or nuisance conditions shall be liable for the City's costs of enforcement and abatement.
- B. In any judicial action, or administrative or special proceeding brought by the City to abate a public nuisance pursuant to this Chapter or to otherwise enforce this Chapter, the prevailing party shall be entitled to recover its reasonable attorneys' fees if the City elects, at the initiation of the individual action or proceeding, to seek recovery of its own attorney fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. A judicial action includes, but is not limited to, any civil or criminal

action, inspection or abatement warrant, administrative proceeding, or appeal from an administrative proceeding.

9405.2 DETERMINATION, INVOICING, AND HEARING.

- A. The Development Services Department shall maintain records of all enforcement and abatement costs and prepare an itemized invoice. Unless otherwise ordered or determined by a court of competent jurisdiction, Code Services staff shall give notice by certified mail of the costs of abatement to the owner and any responsible person. The notice shall contain an itemized invoice of the costs and shall include a statement that the owner and any responsible person may request a hearing with the Director in writing within 10 days of the date of the notice. The Director may designate a third party hearing officer to hold the hearing.
- B. If a hearing is requested, the Director or his or her designee shall set a date for the hearing and cause notice of the hearing to be sent by certified mail to the owner and any responsible person at least ten (10) days before the date of the scheduled hearing. After the hearing, the Director may confirm, revise, correct, or modify the amount of the costs. The Director shall give notice of the decision on the assessment of the costs, which shall be delivered by certified mail to the owner and any responsible party. The decision of the Director shall be final. Any appeal of the Director's decision shall be governed by California Code of Civil Procedure section 1094.6, or as may be amended from time to time.

9405.3 RECOVERY BY SPECIAL ASSESSMENT.

- A. If the cost of abating the nuisance is not paid within thirty (30) calendar days after the cost becomes final, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the date of confirmation of the statement until payment. 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.
- B. The City Council shall adopt a resolution assessing such unpaid costs of abatement as liens upon the respective parcels of land as they are shown upon the last available assessment roll.
- C. The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land. Notice of lien shall be mailed by certified mail to the property owner, if the property owner's identity can be determined from the County Assessor's or County Recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the Tax Collector for unpaid delinquent assessments. The Tax Collector's power of sale shall not be affected by the failure of the property owner to receive notice.

D. The County Auditor shall enter each assessment on the County tax roll upon the parcel of land. The assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedure and sale in case of delinquency as is 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 cost relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer 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 cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

9405.4 RECOVERY BY LIEN.

- A. As an additional remedy, the City may cause a nuisance abatement lien to be recorded with the Los Angeles County Recorder's Office. From the date of recording, the lien will have the force, effect, and priority of a judgment lien and may be foreclosed by an action brought by the City for a money judgment.
- B. Prior to recordation, a notice of lien must be served on the owner in the same manner as a summons in a civil action in accordance with Code of Civil Procedure section 415.10. If the owner after diligent search cannot be found,

the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publishing the notice in a newspaper of general circulation in the City.

- C. The lien must specify (1) the amount of the lien, (2) that the lien is imposed on behalf of the City, (3) the date of the City's abatement order or other order related to the enforcement action, (4) the street address, legal description and assessor parcel number of the parcel on which the lien is imposed, and (5) the name and address of the owner of the property.
- D. The City may recover from the owner any costs incurred regarding the processing and recording of the lien and providing notice to the owner. In the event the lien is satisfied, the City will cause a notice of release of lien to be recorded.

9405.5 CIVIL ACTIONS AND OTHER REMEDIES.

- A. The City may sue in any court of competent jurisdiction for the amount of the assessment, penalties, fees and costs owed to the City, and the satisfaction of any judgment thereby obtained shall cancel any lien or assessment.
- B. The remedies in this section shall be cumulative and the City may recover its enforcement and abatement costs through any other lawful remedy.

9406. REGISTRATION OF UNOCCUPIED RESIDENCES.

9406.1 PURPOSE.

It is the purpose and intent of the City of Arcadia, through the establishment of an unoccupied residence registration program to protect neighborhoods from becoming

blighted by the lack of adequate maintenance and security of unoccupied residences and to prevent unoccupied residences from becoming substandard properties.

9406.2 DEFINITIONS.

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

- A. "Authorized Contact" shall mean the person(s) and/or agent(s) that the property owner has designated for the unoccupied residence registration as having authority to act on the property owner's behalf.
- B. "Evidence of vacancy" means any condition or information that on its own or combined with other conditions would lead a reasonable person to believe that the property is an unoccupied residence. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, or statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.
- C. "Unoccupied Residence" shall mean a building or structure intended for use as a single family residence which is legally unoccupied or for which there is evidence of vacancy, if the evidence of vacancy has existed for a period of at least thirty (30) days. Periodic visits to the residential property shall not constitute occupancy. The following do not constitute unoccupied residences: (1) properties which are actively under construction, (2) properties which are

in escrow to be sold or transferred, and (3) properties that are actively being marketed by an identified listing agent, that are posted with the listing agent's contact information, that are listed for sale in the Local Multiple Listing Service, that are regularly being shown to prospective buyers, and that are being actively maintained for the purpose of attracting buyers.

9406.3 REGISTRATION.

- A. The property owner of any unoccupied residence shall register the property with the Development Services Department. Registration shall be made when (1) a property becomes unoccupied and the owner does not intend to have the property occupied within thirty (30) days, (2) a property becomes unoccupied and the property does not actually become occupied within thirty (30) days, (3) a certificate of occupancy is issued for newly constructed or renovated property and the owner does not intend to have the property occupied within thirty (30) days, or (4) a certificate of occupancy is issued for newly constructed or renovated property and the property does not actually become occupied within thirty (30) days.
- B. The registration shall identify the name and contact information for the property owner and at least two other authorized agents for the property. At least one contact shall be identified as a twenty-four (24) hour contact phone number for a person or company who is authorized to act on behalf of the owner. The 24-hour contact must be local and must be able to respond to problems related to the property within one hour of receiving telephone notice.

EXCEPTION: If the owner provides the name of a bona fide property management company that is actively engaged in managing properties, that is available twenty-four hours a day to respond to calls and that has an office located within 20 miles of the unoccupied residence, then the owner will not need to provide information for any additional contacts.

- C. In completing the registration, the property owner shall acknowledge that: (1) the property owner shall be strictly liable for any failure to maintain the unoccupied property or to respond within a timely manner regarding problems at the property, and (2) the City may enter the property to summarily abate any substandard or nuisance condition, including but not limited to the abatement of standing water that can be a breeding ground for mosquitoes and other vectors and the abatement of coyotes, vermin, or other wildlife that have infested the property.
- D. The property owner shall pay a registration fee at the time of registration in an amount set forth by resolution adopted by the City Council from time to time. The registration shall be valid for one year from the date the registration form is received by the City. The property owner may renew the registration as long as the property remains unoccupied and shall pay renewal fee.
- E. The owner or authorized agent shall notify the Development Services Department and provide proof of occupancy once any unoccupied residence becomes occupied.

9406.4 VIOLATIONS.

- A. It shall be unlawful and a violation of this Code for a property owner to fail to register an unoccupied residence, which shall be treated as a strict liability offense regardless of intent.
1. If the City finds that any residence is unoccupied or exhibits evidence of vacancy the City may post a notice of violation and order to register the property. A copy of the notice and order shall be sent to the owner. The owner may contest the notice and order by filing a written objection with the Development Services Department within 7 days of the posting of the notice and order. Department staff will contact the owner to discuss the objection. If the Department does not withdraw the notice and order or the owner does not register the unoccupied residence within 7 days of filing the written objection, then a hearing on the objection will be scheduled at a date and time determined by the Director. After a hearing, the determination of the Director or his or her designee as to whether the residence is occupied shall be final.
 2. An owner's failure to register an unoccupied residence shall be deemed an infraction and shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 3. An owner's failure to register an unoccupied residence shall be subject to an administrative fine pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.

4. Each day that an unoccupied property remains unregistered shall be a separate offense.
- B. It shall be unlawful and a violation of this Code for an owner to fail to respond, either personally or through an authorized agent, to any contact from the City within 48 hours, or within one (1) hour if the contact relates to an immediate public health and safety concern, which shall be treated as a strict liability offense regardless of intent.
1. If the owner or authorized contact person cannot be timely reached, does not timely respond, or does not abate any substandard conditions, it shall be grounds for the City to proceed with summary abatement and recover its costs pursuant to Sections 9404 and 9405 of the Arcadia Municipal Code.
 2. If an authorized contact person cannot be reached, the owner shall be liable for an infraction, which shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 3. If an authorized contact person cannot be reached, the owner shall be subject to an administrative fine pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.

9406.5 MAINTENANCE.

- A. Unoccupied properties shall not be substandard. Unoccupied properties shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required

by federal, state or local law), discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant or abandoned. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior-grade paint that matches the color of the exterior of the structure. Visible front and side yards shall be landscaped and maintained to the neighborhood standard existing at the time registration was required.

- B. Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or that could be a breeding ground for mosquitoes and other vectors, or drained and kept dry. In either case properties with pools or spas must comply with the minimum security fencing requirements of the state of California.
- C. Unoccupied properties shall be maintained so as not to become a refuge for coyotes, vermin or other wildlife.
- D. Failure to adhere to the maintenance standards for unoccupied properties shall be a public nuisance, subject to abatement or summary abatement in accordance with this Code.

9406.6 ENFORCEMENT.

- A. Nothing in this chapter shall be intended to limit the city from engaging in efforts to obtain voluntary compliance by means of educational programs, notices, and administrative citations.

- B. The Director or his or her designee, including but not limited to police officers, code services officers, the Building Official or other enforcement officials, shall have the authority to enforce the provisions of this Chapter.
- C. Violations of this chapter may be enforced through any lawful means under

EXHIBIT D

City of Pasadena

Vacant Building and Vacant Lot Maintenance
and Registration Ordinance

July 20, 2017

SECTION 2. The Pasadena Municipal Code is amended to add a new Chapter 14.70 to

read:

"Chapter 14.70

**VACANT BUILDING AND VACANT LOT MAINTENANCE
AND REGISTRATION ORDINANCE**

Sections:

- 14.70.010 - Short title.**
- 14.70.020 - Definitions.**
- 14.70.030 - Purpose.**
- 14.70.040 - Responsibility for enforcement.**
- 14.70.050 - Violation.**
- 14.70.060 - Notification of owner.**
- 14.70.070 - Change of ownership**
- 14.70.080 - Required information.**
- 14.70.090 - Vacant building plan.**
- 14.70.100 - Approval of plan/Modification/Appeal.**
- 14.70.110 - Standards of approval.**
- 14.70.120 - Removal of property from registry.**
- 14.70.122 - Fees**
- 14.70.125 - Special Assessment.**
- 14.70.130 - Alternative enforcement options.**

14.70.010. Short title.

This chapter shall be known as the "vacant building and lot maintenance and registration ordinance."

14.70.020. Definitions.

- A. "Administrator" shall mean the administrator of the Neighborhood Services Division.
- B. "Owner" shall mean the person owning the property as shown on the last equalized tax assessment roll maintained in the L.A. County Assessor's Office.
- C. "Public nuisance" shall mean any act or condition which poses a danger to health or

safety or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or any of the prohibited activities or conditions as set forth in the Property Maintenance and Nuisance Abatement Ordinance.

D. "Visual blight" shall mean any unreasonable or unlawful condition or use of premises or of building exteriors which by reason of its appearance, as viewed at ground level from public streets or neighboring premises, is detrimental to the property of others, or conditions which violate the Property Maintenance and Nuisance Abatement Ordinance, or conditions which violate §14.70.050 (E),(F) and (G) of this chapter.

14.70.030. Purpose.

The purposes of this ordinance are to abate nuisances, and implement a vacant building/lot maintenance plan aimed at minimizing the period of time a building is in a blighted condition, and to hasten abatement of nuisances on vacant lots.

14.70.040. Responsibility for enforcement.

The administrator of neighborhood services shall have responsibility for administration and enforcement of this chapter. In the event a property owner fails, neglects or refuses to abate the nuisance conditions as ordered by the Code Enforcement Commission, the administrator may cause the same to be abated by city employees or by private contract. The costs shall then be billed to the owner and shall become due and payable 30 days thereafter.

14.70.050. Violation.

It is unlawful and a misdemeanor for an owner to do any of the following:

A. Maintain any vacant lot or building in a blighted condition in violation of the

Property Maintenance and Nuisance Abatement Ordinance and this section;

- B. Fail to register a vacant lot or building with the Neighborhood Services Division after receiving two notices of violation in a twelve-month period;
- C. Fail to submit a property maintenance plan within ten (10) days after receiving a second notice of violation within a twelve-month period;
- D. Fail to comply with an approved vacant building or lot plan or approved modification thereto;
- E. Permit the exterior of a building to be in a state of partial construction beyond the expiration date in a building permit;
- F. Partially demolish a building; and
- G. Permit 50% of a vacant building's painted surface or stucco to be in a state of peeling, cracking or deterioration after notification by the city.

14.70.055. Appeal Rights.

The owner shall have the right to file an appeal of the Notice of Violation and Public Nuisance and costs assessed by the City in abating the nuisance. Appeal shall be filed with the Code Enforcement Commission within ten (10) days of receipt of the Notice or confirmed costs. The decision of the commission regarding costs shall be final. The property owner shall be notified that judicial review of the commission decision is available under the provisions of the California Code of Civil Procedure.

14.70.060. Notification of owner.

- A. The administrator of the neighborhood services division shall send the owner a

Notice of Violation and Public Nuisance by first class mail, return receipt requested, notifying the owner that the building or lot has been cited twice within a twelve (12) month period and must be registered and a vacant building or lot plan submitted to the City. The nature of the public nuisance shall be specified in the Notice. The Notice shall also be posted on the property.

B. The owner shall have 30 days to register the property and submit a maintenance plan. If the owner fails to register the property and submit a maintenance plan, the administrator shall place the property on the registry and prepare a maintenance plan. City staff shall maintain the property with the costs to be paid by the owner.

14.70.070. Change of ownership.

If ownership of a vacant building changes during a registration period, the plan shall remain in effect until the new owner has filed a new registration with the city. The new registration shall be in the same form as the original registration and the fee shall be waived for the registration period when the transfer occurred.

14.70.080. Required information.

The owner registering a vacant building shall supply to the city the following information in a written document within 30 days of receiving the second notice of violation:

- A. Name, address and telephone number of owner.
- B. Name, address, and telephone number of any local agent or representative.
- C. Name, address, and telephone number of all persons with any legal interest in the property, building, and premises.
- D. The street address of the building/lot.

E. The date on which the building or lot became vacant.

F. A vacant lot or building plan and a diagram of the property.

14.70.090. Vacant building plan.

The vacant building plan shall contain the following:

A. A time schedule and plan of action to repair any doors, windows, or other openings which are boarded-up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type. This portion of the plan shall be reviewed by the Urban Conservation Division to ensure compliance with applicable preservation ordinances.

B. A time schedule and plan for regular maintenance of the yard area surrounding the building, including the designation and telephone number of the party or company responsible for maintenance.

C. A time schedule and plan of action to keep any structures present free of graffiti.

D. A time schedule and plan of action to remedy other public nuisances if such are present on the property.

E. If the owner proposes to demolish the vacant building, the plan shall include a time schedule for demolition of the building.

F. An action plan for maintaining the building and keeping it free of trespassers.

G. Long-term plan for use of building or lot.

14.70.100. Approval of plan/Modification/Appeal.

A. The administrator may approve proposed vacant building plans in that official's discretion and in accordance with the standards outlined in Section 14.70.110. If the plan is approved, notice shall be sent to the owner or agent of the vacant building.

B. After notice to the owner, the administrator shall have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action.

C. The owner may appeal the modification to the Code Enforcement Commission for a final determination. Such appeal must be filed within ten (10) days of receipt of the administrator's notice of modification. The owner may request a hearing or make written objections to be considered with the rest of the administrative record.

D. The decision of the Commission shall be forwarded to the owner or agent of the vacant building within five (5) working days after its adoption.

14.70.110. Standards of approval.

In considering the appropriateness of a vacant lot or building plan, the administrator shall consider the following:

A. The intent of the City Council to minimize the period of time a vacant building or lot creates visual blight in the community .

B. The effect of the proposed plan on adjoining property.

C. The financial condition of the owner.

D. The cost to implement the proposed plan.

E. The length of time the building has been vacant.

F. The presence of any public nuisances on the property.

G. The relative hardship on or gain to the public as contrasted with the hardship or gain to the owner resulting from approval or modification of the proposed plan.

14.70.120. Removal of property from registry.

A. If the building or lot is vacant at the expiration of any registration period and the requirements of the vacant building or lot plan are completed, the property shall be deleted from the City's registry of vacant lots and buildings subject to this chapter.

B. The administrator shall remove property from the registry when the owner obtains a code compliance certificate of occupancy which evidences that there are no health, safety and housing code violations present.

14.70.122. Fees.

A. A fee of \$356.00 must accompany the vacant building or lot registration plan submitted to the administrator. The \$356 fee includes a \$100 filing fee and \$256 for quarterly inspections. For subsequent fiscal years, the fee shall be designated in the city's General Fee Schedule.

B. Registration of a vacant lot or building shall be valid for a period of twelve (12) months. If the building or lot is vacant at the expiration of any registration period and requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay an additional \$356 fee. Fees shall not be prorated or rebated even when the property is removed from the registry prior to the expiration of a twelve-month cycle.

14.70.125. Special assessment.

If the property owner fails to pay abatement costs within thirty (30) days of receipt of a city invoice, the following procedure shall be followed:

A. The City shall keep an itemized report of the expenses involved in abating the nuisance, i.e., the work performed, the cost of the work, including any salvage value and incidental expenses, any administrative costs incurred, a description of the real property upon which the nuisance was located, and the names and addresses of the person entitled to notice under the ordinance. The city shall post conspicuously on the property and shall also mail to the owner of the property a copy of the report of the expenses of the abatement, together with a notice of time and place when the statement will be reviewed and confirmed by the Code Enforcement Commission.

B. If the owner does not pay the expenses of abating the nuisance within 5 days after the time set for reviewing and confirming the statement before the Commission, the cost shall become a special assessment against the real property upon which the nuisance was abated.

C. The total cost for abating the nuisance shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation with the L. A. County Recorder of a Notice of Lien, shall constitute a lien on said property for the amount of such assessment. After such recordation, a certified copy of the report confirmed by the Commission decision shall be filed with the L. A. County Tax Collector on or before August 15th of each year, whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels

of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same 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 such special assessment.

14.70.130. Alternative enforcement options.

The maintenance and registration of a vacant building or lot shall not preclude summary abatement of a public nuisance by the City, or an action to demolish or force rehabilitation of the building pursuant to other provisions in the municipal code or available under other laws.”

EXHIBIT E

City of Sierra Madre
Title 8 – Health and Safety Code
(Applicable Sections)

July 20, 2017

CITY OF SIERRA MADRE – TITLE 8 – HEALTH AND SAFETY CODE (Applicable Sections)

8.08.010 - Control of Weeds

It is unlawful to allow vegetation, or trash if same is a menace to life, health, safety or is liable to promote the spread of fire, as determined by the building inspector, code enforcement officer, or fire marshal.

8.08.020 – Abatement of noxious weeds.

The city has availed itself of the procedures set forth in Sections 39501 and 39502, et seq., of the Government Code relating to the abatement of weeds.

8.12.130 - Unlawful accumulation.

No person shall cause or permit the following:

- A. The collection or accumulation of garbage, unless placed in a receptacle as provided in this chapter for disposal thereof by a contractor or for disposal thereof through automatic disposal units as provided for in this chapter or by some other means approved by the city manager;
- B. The collection of combustible rubbish to accumulate at any place or premises under a person's charge or control for a period in excess of one calendar week, excluding combustible rubbish of salvageable value;
- C. The collection of refuse, other than combustible rubbish, to accumulate at any place or premises under a person's charge or control for a period in excess of one calendar month;
- D. The burning of garbage.

The city has availed itself of the procedures set forth in Section 39501 and 39502, et seq., of the Government Code relating to the abatement of weeds.

Chapter 8.16 - SITE NUISANCES

Sections:

8.16.010 - Property maintenance—Nuisances.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such manner that any of the following conditions are found to exist thereon:

- A. Buildings or structures which are structurally unsafe or which are not provided with adequate egress or which constitute a fire hazard; or which are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation or abandonment;

- B. Buildings or structures maintained in violation of the Uniform Building Code of the city;
- C. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, causes erosion, subsidence or surface water run-off problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;
- D. Premises maintained so as to constitute a fire hazard by reason of woods, rank overgrowth or accumulation of debris;
- E. Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction;
- F. Unpainted buildings likely to cause dry rot, warping and termite infestation;
- G. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- H. Overgrown vegetation:
 - 1. Likely to harbor rats, vermin and other nuisances; or
 - 2. Causing detriment to neighboring properties or property values;
- I. Dead trees, weeds and debris:
 - 1. Constituting unsightly appearance; or
 - 2. Dangerous to public safety and welfare; or
 - 3. Detrimental to nearby property or property values.
- J. Trailers, campers, boats and other mobile equipment stored for unreasonable periods in yard areas open to view from the street which causes depreciation of nearby property value;
- K. Inoperable or abandoned motor vehicles stored for unreasonable periods in front and side yard areas which cause depreciation of nearby property values;
- L. Attractive nuisances dangerous to children in the form of:
 - 1. Abandoned and broken equipment,
 - 2. Hazardous pools, ponds and excavations, and
 - 3. Neglected machinery;
- M. Broken or discarded furniture and household equipment in front yard areas for unreasonable periods;
- N. Clothes lines in front yard areas;
- O. Garbage cans stored in front or sideyards and visible from public streets;
- P. Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods;
- Q. Neglect of premises:
 - 1. To spite neighbors, or
 - 2. To influence zone changes,
 - 3. To cause detrimental effect upon nearby property or property values;
- R. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manners as to constitute a public nuisance as defined by Civil Code 3480;
- S. Property maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements;

- T. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;
- U. Property maintained (in relation to others) so as to establish a prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein;
- V. Any building or structure which has any or all of the following conditions or defects:
 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or it is not so arranged as to provide safe and adequate means of exit, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit,
 2. Whenever the stress in any materials, member or portions thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Uniform Building Code,
 3. Whenever any portion thereof has been damaged by earthquake, wind, flood or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of this code for a new building or similar structure, purpose or location,
 4. Whenever any portion or member or appurtenances thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property,
 5. 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 one and one-half that specified in the Uniform Building Code without exceeding the working stresses permitted in the Uniform Building Code,
 6. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of new construction,
 7. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way,
 8. Whenever, for any reason whatsoever, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used,
 9. 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,

10. Whenever the building or structure, exclusive of the foundation shows thirty-three percent or more of damage or deterioration to the member or members, or fifty percent of damage or deterioration of a nonsupporting enclosing or outside wall or covering,
11. 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 who might play therein to their danger, or as to afford a harbor for vagrants, criminal or immoral persons, or as to enable person to resort thereto for the purpose of committing nuisance or unlawful or immoral acts,
12. Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition, applicable to such building or structure of the building regulations of this city, as set forth in the Uniform Building Code or Uniform Housing Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings,
13. 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 member less than sixty-six percent of the strength, fire-resisting qualities or characteristics required by law or ordinance in the case of like area, height or occupancy in the same location,
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living within,
15. Whenever the building or structure, used or intended to be used for dwelling purposes, has light, air, and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within,
16. Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment that spread and intensity of fire arising from any cause.

(Prior code § 5250)

8.16.020 - Abatement—Repair, rehabilitation, removal.

All or any part of premises found, as provided in this chapter, to constitute a public nuisance shall be abated by rehabilitation, demolition or repair pursuant to the procedures set forth in this chapter. The procedures set forth in this chapter shall not in

any manner, however, limit or restrict the city from enforcing city ordinances or abating such public nuisances in any other manner provided by law.
(Prior code § 5251)

8.16.030 - Nuisance declaration.

Whenever the planning commission finds, based upon recommendation therefor by the city administrator, that any premises within the city may be maintained contrary to one or more of the provisions of [Section 8.16.010](#), then the planning commission shall by resolution declare its intent to conduct a public hearing to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the police power of the city. The resolution shall describe the premises involved by street address, referring to the street by the name under which it is officially or commonly known, shall further describe the property by giving the lot and block number thereof, shall give a brief description of the conditions contrary to the provisions of [Section 8.16.040](#) and a brief statement of the methods of abatement thereof.
(Prior code § 5252)

8.16.040 - Abatement hearing.

Within thirty days after the passage of the resolution by the planning commission, the secretary of the planning commission shall cause to be posted on the premises, a certified copy of such resolution, and a notice of the time and place of hearing before the planning commission, which notice shall be title: "NOTICE OF HEARING" in letters not less than one inch in height and shall be substantially in the following form:

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

Notice is hereby given that on the; #rule; day of; daterule; the Planning Commission of the City passed a resolution declaring its intent to ascertain whether certain premises situated in the City of Sierra Madre, State of California, known and designated as _____ in said City, and more particularly described as Lot. No.;#rule; Tract No.;#rule;, constitute a public nuisance and are subject to abatement by the rehabilitation of such subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined to constitute a public nuisance as defined by [Section 8.16.010](#) of this Code and if the same are not promptly abated by the owner, such nuisances may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such premises and such cost will constitute a lien upon such land until paid. (Reference is hereby made to Resolution No.;#rule; on file with the Secretary of the Planning Commission for further particulars.)

Said alleged violation consist of the following:

The methods of abatement available are:

All persons having any objection to, or interest in said matters are hereby notified to attend a meeting of the Planning Commission of the City to be held on the ;#rule; day of ;daterule; at the hour of _____ when their testimony and evidence will be heard and given due consideration.

Dated: This ; #rule; day of; daterule;, 19_____.

Secretary of the Planning Commission

(Prior code § 5253)

8.16050 - Notice—Service—Posting.

A.

The city clerk shall cause to be served upon the owner of each of the affected premises, one copy of the notice and a certified copy of the resolution of the planning commission, in accordance with the provisions of [Section 8.16.060](#).

B.

The notice and resolutions shall be posted and served, as aforesaid, at least ten days before the time fixed for such hearing; proof of posting and service of such notices and resolution shall be made by affidavit filed with the planning commission.

(Ord. 1084 § 1 (part), 1992: prior code § 5254)

8.16.060 - Notice—Form of service.

A.

Service of the notice and resolution shall be by personal service upon the owner of the affected premises as such owner's name and address appears on the last equalized assessment roll if he is found within the city limits; or if he is not found within the city limits, by depositing a copy of the notice and resolution in the U.S. Postal Service enclosed in a sealed envelope and with the postage thereon fully prepaid. The mail shall be registered or certified and addressed to the owner at the last known address of the owner, and if there is no known address, then in care of the property address.

B.

The service is complete at the time of such deposit. "Owner" as used in this chapter means any person in possession and also any person having or claiming to have any legal or equitable interest in the premises, as disclosed by a title search from any accredited title company. The failure of any person to receive such notice shall not affect the validity of any proceedings under this chapter.

(Prior code § 5255)

8.16.070 - Notice—Hearing.

- A. At the time stated in the notices, the planning commission shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, city personnel and interested persons relative to such alleged public nuisance and to proposed rehabilitation, repair or demolition of such premises. Such hearing may be continued from time to time.
- B. Upon the conclusion of the hearing, the planning commission shall, based upon such hearing, determine whether the premises, or any part hereof, as maintained constitutes a public nuisance as defined in this chapter. If the planning commission finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish or repair the same, the planning commission may by resolution declare such premises to be a public nuisance and order the abatement of the same within thirty days, by having such premises, buildings or structures, rehabilitated, repaired or demolished in the manner and means specifically set forth in the resolution. The decision of the planning commission shall be final in the absence of an appeal therefrom to the city council as provided in this chapter.
(Ord. 1084 § 1 (part), 1992: prior code § 5256)

8.16.080 - Resolution to abate.

A copy of the resolution of the planning commission ordering the abatement of the nuisance shall be served upon the owners of the property in accordance with the provisions of [Section 8.16.060](#), and shall contain a detailed list of needed corrections and abatement methods. Any property owner shall have the right to have any such premises rehabilitated or to have such buildings or structures demolished or repaired in accordance with the resolution and at his own expenses provided the same is done prior to the expiration of the thirty-day abatement period. Upon such abatement in full by the owner, then proceedings under this chapter shall terminate.

(Ord. 1084 § 1 (part), 1992: prior code § 5257)

8.16.090 - City action—Appeal.

- A. Appeal. Any person entitled to service under [Section 8.16.060](#) may appeal from the decision of the planning commission by filing at the office of the city clerk within seven days from the date of service of such decision, a written, dated appeal, containing:
 - 1. A headline in the words: "Before the City Council";
 - 2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal;
 - 3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;
 - 4. A statement in ordinary and concise language of the specific order or action protested, together with any material facts supporting the contentions of the appellant.

- B. Hearing. As soon as practicable after receiving the written appeal, the city clerk shall set a date for hearing of the appeal by the city council, which date shall be not less than ten days nor more than forty-five days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given, at least ten days prior to the date of the hearing, to each appellant by the city clerk either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the city council on motion of either party for good cause shown, or on the city council's own motion.
- C. Decision. Upon the conclusion of the hearing on such appeal, the city council shall by resolution either:
1. Terminate the proceedings;
 2. Confirm the action and decision of the planning commission; or
 3. Modify such decision based upon evidence adduced at the hearing.
- In the cases of alternatives 2 or 3 of this subsection, the resolution shall declare such premises to be a public nuisance and order the abatement of the same within thirty days or such other period of time as may be fixed by order of the council by having such premises, buildings or structures rehabilitated, repaired or demolished in the manner and means specifically set forth in the resolution.
- (Ord. 1084 § 1 (part), 1992; prior code § 5258)

8.16.100 - City abatement.

If such nuisance is not completely abated by the owner as directed within the thirty-day period, then the planning commission or the city council if the matter was appealed may direct the city administrator to cause the same to be abated by city forces or private contract and the city administrator is expressly authorized to enter upon the premises for such purpose.

(Ord. 1084 § 1 (part), 1992: prior code § 5259)

8.16.110 - Abatement cost.

The city engineer shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot, or parcel or land where the work is done and shall render an itemized report in writing to the body ordering the abatement, as specified in [Section 8.16.100](#), showing the cost of abatement and the rehabilitating, demolishing or repairing of the premises, building or structures, including any salvage value relating thereto; provided, that before the report is submitted to the directing body as specified in [Section 8.16.100](#), showing the cost of abatement and the rehabilitating, demolishing or repairing of the premises, buildings or structures, including any salvage value relating thereto; provided, that before the report is submitted to the directing body as specified in [Section 8.16.100](#), a copy of the same shall be posted for at least five days upon such premises, together with a notice of the time when the report shall be heard by the planning commission or city council for confirmation; a copy of such report,

in accordance with the provisions of [Section 8.16.060](#), at least five days prior to submitting the same to the planning commission or city council; proof of the posting and service shall be made by affidavit filed with the city clerk. The term "incidental expenses" includes, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required under this chapter.

(Prior code § 5260)

8.16.120 - Report—Hearing and proceedings.

At the time and place fixed for receiving and considering the report, the directing body as specified in [Section 8.16.100](#) shall hear and pass upon the report of the city engineer together with any objections or protests. Thereupon the directing body may make such revision, correction or modification in the report as it may deem just, after which by resolution the report, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the directing body on all protests and objections which may be made shall be final and conclusive.

(Prior code § 5261)

8.16.130 - Assessment against property—Lien.

The total cost for abating such nuisance, as so confirmed by the directing body as specified in [Section 8.16.100](#), shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

- A. After such confirmation and recordation, a copy may be turned over the tax collector for the city, whereupon it shall be the duty of the tax collector to add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for municipal purposes, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or
- B. After such recordation such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- C. Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN (Claim of City of Sierra Madre)

Pursuant to the authority vested in the provisions of the Section 18.16.010 of the Sierra Madre City Code., the City Engineer of the City of Sierra Madre did on or

about the ;daterule; day of ;daterule;, 19;daterule;, cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the (City Council or Planning Commission) of the City of Sierra Madre did on the ;#rule; day of ;daterule; , 19_____, assess the cost of such rehabilitations, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Sierra Madre does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$;\$rule; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Sierra Madre, County of Los Angeles, State of California, and particularly described as follows:

(DESCRIPTION)

;adv=10; Dated: This; #rule; day of; daterule;, 19_____.

City Engineer of the City
of Sierra Madre

(ACKNOWLEDGMENT)

8.16.140 - Civil or criminal proceeding.

Nothing in this chapter shall be deemed to prevent the directing body as specified in [Section 8.16.100](#) for ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable city or penal code provisions as an alternative to the proceedings set forth in this chapter.

(Prior code § 5263)