

Chapter 8.16 NUISANCES

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Article I Nuisances Generally

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8.16.010 Purpose and intent.

The purpose of this chapter is to preserve locally recognized values of community appearance to safeguard and enhance property values in residential, commercial and industrial areas. The intent of this chapter is to protect public investment in the character of public thoroughfares; to aid in the attraction of tourists and other visitors who are important to the economy of the city; to reduce hazards to motorists and pedestrians traveling on the public way; and to thereby promote the public health, safety and welfare.

(Ord. 454 (part), 1999: prior code § 9-4.101 (part))

8.16.020 Definition of nuisance.

For the purpose of this chapter, a "nuisance" shall be any use, activity, structure or condition found to exist to be a hazard to the public health, safety or welfare of the community.

(Ord. 454 (part), 1999: prior code § 9-4.101 (part))

8.16.030 Nuisances declared.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained in such manner that any of the following conditions are found to exist, except as may be allowed by this code. Except as otherwise specifically noted, a condition described herein is declared a nuisance if existing for a period of ten (10) days.

- A. The accumulation of dirt, litter or debris on the property which is visible from a public street;
- B. Clotheslines or clothes hanging in front yards, side yards, porches or balconies and visible from a public street at any time;

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- C. Trash, garbage or refuse cans, bins, boxes or other such containers stored in front or side yards and visible from a public street, except when concealment is an unreasonable burden on the business or residence affected;
- D. Packing boxes, lumber, junk, trash, salvage materials or other debris kept on the property for thirty (30) days and visible from a public street;
- E. Attractive nuisances dangerous to children and visible from a public street, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, hazardous pools, ponds and excavations at any time;
- F. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property for thirty (30) days and visible from a public street;
- G. Overgrown vegetation likely to harbor rats, vermin and other nuisances causing detriment to neighboring properties or property values or obstructing necessary views of drivers on public streets or private driveways and visible from a public street;
- H. Dead, decayed, diseased or hazardous trees, weeds or other vegetation constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property value and visible from a public street;
- I. Graffiti, letters or drawings which remain on the exterior of any building, fence or wall;
- J. Buildings where the paint on the building exterior is mostly worn off or not in compliance with the general plan design element, established design guidelines or historic design guidelines and any amendments and visible from a public street for sixty (60) days;
- K. Boats, trailers, vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair for thirty (30) days in front yards, side yards, driveways, sidewalks or walkways and are visible from a public street;
- L. Camper shells which are left for an unreasonable length of time in front yards, driveways, side yards, sidewalks or walkways are visible from a public street;
- M. Buildings which are abandoned, boarded up, partially destroyed or left in a state of partial construction for sixty (60) days and subject to applicable Uniform Building Codes and city codes which specify time periods;
- N. Abandoned vehicles pursuant to Chapter 16: Roads and Traffic, Abandoned Vehicle Ordinance of the Placer County Code and any amendments made thereto and incorporated by reference herein.

(Ord. 454 (part), 1999: prior code § 9-4.102)

8.16.040 Nuisance abatement.

Any property found to be maintained in violation of Section 8.16.030 of this chapter is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

(Ord. 454 (part), 1999: prior code § 9-4.103)

Article II Abatement Procedure

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8.16.050 Abatement—Notification.

Whenever the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of Section 8.16.030 of this chapter, he or she shall cause to be given a written notice (notice to abate) to the owner of the property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event less than seven or more than thirty (30) calendar days for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with the provisions of Section 8.16.070 of this chapter covering service in person or by mail.

(Ord. 454 (part), 1999: prior code § 9-4.104)

8.16.060 Abatement—Administrative hearing.

In the event the owner shall fail, neglect or refuse to comply with the notice to abate, the city manager shall conduct an administrative hearing to ascertain whether the violation constitutes a public nuisance.

(Ord. 454 (part), 1999: prior code § 9-4.105)

8.16.070 Notice of hearing.

Notice of the hearing shall be served upon the owner not less than seven calendar days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth as Attachment 1 attached to the ordinance codified in this chapter.

(Ord. 454 (part), 1999: prior code § 9-4.106)

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8.16.080 Administrative hearing by city manager.

- A. At the time stated in the notice, the city manager shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of such property. The hearing may be continued from time to time.
- B. If the city manager finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the city manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement and the time within which the work shall be commenced and completed but in no case, in less than seven days. The order shall include reference to the right to appeal set for in Section 8.16.100 of this chapter. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of Section 8.16.070 of this chapter. In addition, a copy of the findings and order shall be conspicuously posted on the property.

(Ord. 454 (part), 1999: prior code § 9-4.107)

8.16.090 Procedure—No appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered the city manager shall cause the same to be abated by city employees or private contract. The costs shall be billed to the owner, as specified in Section 8.16.130 of this chapter. The city manager is expressly authorized to enter upon the property for such purposes.

(Ord. 454 (part), 1999: prior code § 9-4.108)

8.16.100 Appeal procedure —Hearing.

- A. The owner may appeal the city manager's findings and order to the city council by filing an appeal with the city clerk within seven calendar days of the date of service of the city manager's decision. The appeal shall contain:
 - 1. A specific identification of the subject property;
 - 2. The names and address of all appellants;
 - 3. A statement of appellant's legal interest in the subject property;
 - 4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
 - 5. The date and signatures of all appellants; and
 - 6. The verification of at least one appellant as to the truth of the matters stated in the appeal.
- B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be not less than seven calendar days nor more than thirty (30) calendar days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least five calendar days prior to the date of the hearing, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Continuances of the hearing may be granted by the council on request of the owner for good cause shown or on the council's own motion.

(Ord. 454 (part), 1999: prior code § 9-4.109)

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8.16.110 Council decision.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the resolution. The resolution shall set forth the time within which the owner, in no event shall complete such work less than fifteen (15) days. The decision and order of the council shall be final.

(Ord. 454 (part), 1999: prior code § 9-4.110)

8.16.120 Service of order to abate.

A copy of the resolution of the council ordering the abatement of the nuisance shall be served upon the owner(s) of the property in accordance with the provisions of Section 8.16.060 of this chapter. Upon abatement in full by the owner, the proceedings hereunder shall terminate.

(Ord. 454 (part), 1999: prior code § 9-4.111)

8.16.130 Hearing procedure before city manager and council.

All hearings shall be tape-recorded. Hearings need not be conducted according to the technical rules of evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in conduct of serious affairs. Oral evidence shall be taken only on oath or affirmation. Irrelevant and unduly repetitious evidence shall be excluded.

(Ord. 454 (part), 1999: prior code § 9-4.112)

8.16.140 Abatement by city.

If such nuisance is not abated as ordered within the abatement period; the city manager shall cause the same to be abated by city employees or private contract. The city manager is expressly authorized to enter upon the property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30) days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, costs incurred in documenting the nuisance, 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 hereunder.

(Ord. 454 (part), 1999: prior code § 9-4.113)

8.16.150 Limitation of filing judicial action.

Appeals of the council's decision and order shall be commenced within thirty (30) calendar days of the date of service of the decision.

(Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.114)

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8.16.160 Demolition.

No property shall be found to be a public nuisance under Section 8.16.030 of this chapter and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance.

(Ord. 454 (part), 1999: prior code § 9-4.115)

8.16.170 Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under Section 8.16.110 of this chapter shall be forthwith recorded with the Placer County recorder.

(Ord. 454 (part), 1999: prior code § 9-4.116)

Article III Lien Procedure

[8.16.180 Record of costs of abatement.](#)

[8.16.190 Assessment lien.](#)

8.16.180 Record of costs of abatement.

The city manager shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition or repair of the property, including any salvage value relating thereto; provided that before the report is submitted to the city council, a copy of the same shall be posted for at least five days upon such property, together with a notice of the time when the report shall be heard by the city council for confirmation. A copy of the report and notice shall be served upon the owners of the property in accordance with the provisions of Section 8.16.070 of this chapter at least five calendar days prior to submitting the same to the city council. Proof of the posting and service shall be made by affidavit filed with the city clerk.

(Amended during 2004 codification; Ord. 454 (part), 1999: prior code § 9-4.117)

8.16.190 Assessment lien.

- A. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, upon recordation in the office of the county recorder or a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- B. Such notice of lien for recordation shall be in form substantially set forth as Attachment 2 attached to the ordinance codified in this chapter.

(Ord. 454 (part), 1999: prior code § 9-4.118)

Article IV Miscellaneous

[8.16.200 Appropriate actions.](#)

[8.16.210 Summary abatement.](#)

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8.16.220 Burning permits—Required.

8.16.200 Appropriate actions.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the city pursuant to any other provision of the law.

(Ord. 454 (part), 1999: prior code § 9-4.119)

8.16.210 Summary abatement.

Notwithstanding any provisions of this chapter, the city council may cause a nuisance to be summarily abated if the city council determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place or area involved of the nuisance and requests him or her to immediately abate the nuisance. If, in the sole discretion of the city council, the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The city shall notify in writing the owner or possessor of the property, place or area upon which the city has abated a nuisance and of the costs thereof.

(Ord. 454 (part), 1999: prior code § 9-4.120)

8.16.220 Burning permits—Required.

- A. It is unlawful, within the city boundaries for any person to set fire to, or burn, brush, stumps, logs, fallen timber, fallows, slash or grass, forest land or any other flammable material and it is unlawful for any person to set fire to burn flammable material in an incinerator, except upon the issuance of a permit for such burning, issued by the city clerk, city manager, their duly authorized agents or the chief or officers of any legally constituted fire department or fire protection district in the city.
- B. The permit shall be issued in writing and shall state the times at which and the terms and conditions subject to which such burning shall be done and it is unlawful for any such person to violate any of the terms, provisions or conditions of such permit.
- C. Regardless of such permit, any person burning any material or setting any fire shall observe all reasonable and proper care and precautions in so doing and nothing contained in such permit shall relieve or exonerate any such person from civil liability by any reason of any violation of law.

(Ord. 454 (part), 1999: prior code § 9-4.121)