City of Sonora

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DATE: May 6, 2019

TO: Honorable Mayor and City Council Members

FROM: Rachelle Kellogg, Community Development Director

SUBJECT: Code Enforcement Ordinances – Workshop

The draft Code Enforcement Ordinances include, No. 852, Title 1 – General Provisions, No. 853, Title 15 – Building and Construction, and No. 854, Chapter 14.10 – Property Maintenance Code. These ordinances include penalty, enforcement and placarding provisions, dangerous building requirements, and property maintenance regulations. The Council completed review of Ordinance No. 852 and Ordinance No. 853 during the Workshops held on April 1st and April 15th. These Ordinances are scheduled for public hearing and first reading at the May 6th regular City Council Meeting. During this Workshop staff will discuss draft Ordinance No. 854, Chapter 14.10 – Property Maintenance Code. The proposed ordinance adds text to the Sonora Municipal Code.

The draft ordinance is available for view on the City's website as part of this meeting's agenda packet or at the Community Development Department's public counter. Following this workshop, staff will revise the ordinance, as needed, and prepare it for consideration of adoption by the City Council.

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ORDINANCE NO. 854

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA

Chapter 14.01 – Property Maintenance Code

Adding, Chapter 14.01, Property Maintenance Code.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Add, Chapter 14.01, Property Maintenance Code, as follows:

Sections:

14.01.010	**Intent and Purpose.**
14.01.020	**General Definitions.**
14.01.030	**Property Maintenance Enforcement.**
14.01.040	**Zoning Regulations Enforcement.**
14.01.050	**State Housing Law Enforcement.**
14.01.060	**Fire Hazard Enforcement.**
14.01.070	**Disruptive activities, Graffiti, and Vehicle Enforcement.**
14.01.080	**Persons to retain exclusive authority.**
14.01.090	**Inspections pursuant to applicable statutes, rules, codes, regulations or inspection warrants.**
14.01.100	**Refusal to permit inspection pursuant to court-issued inspections warrants.**
14.01.110	**Abandoned and/or vacant buildings or structures.**
14.01.120	**Attractive Nuisances.**
14.01.130	**California Civil Code.**
14.01.140	**Code violations of applicable law.**
14.01.150	**Discharge of sewage.**
14.01.160	**Disruptive Activities.**
14.01.170	**Fire Hazard.**
14.01.180	**Hazardous substances or wastes.**
14.01.190	**Illegal nonconforming buildings or structures.**
14.01.200	**Graffiti.**
14.01.210	**Maintenance, repair, restoration, or dismantling vehicle or large equipment or machinery.**
14.01.220	**Rubbish, refuse and dirt.**
14.01.230	**Safety Hazards.**
14.01.240	**Sewage.**
14.01.250	**State Housing Law.**
14.01.260	**Termites, insects, vermin and rodents.**

14.01.270	**Trees and Shrubs.**
14.01.280	**Vehicle Parking.**
14.01.290	**Vehicle Nuisance.**
14.01.300	**Notice of public nuisance and order to abate.**
14.01.310	**Public nuisance administrative fines.**
14.01.320	**Notice of Violation.**
14.01.330	**Abatement Notice.**
14.01.340	**Abatement of a public nuisance by the City.**
14.01.350	**Recordation of Certificate of Nuisance.**
14.01.360	**Recordation of Certificate of Abatement.**
14.01.370	**Violations.**
14.01.380	**Summary Abatement of public nuisances that pose an immediate threat to public health and safety.**
14.01.390	**Inventory discarded items.**
14.01.400	**Preparation of Summary Abatement Report.**
14.01.410	**Filing of original Summary Abatement Report.**
14.01.420	**Method and manner of service of Summary Abatement Report.**
14.01.430	**Attorney's fees.**
14.01.440	**Responsibility for public nuisance abatement costs.**
14.01.450	**Recovery of costs of abatement.**
14.01.460	**Receivership.**
14.01.470	**Violations.**

14.01.010 Intent and Purpose.
The purposes of this Chapter are to provide a just, equitable and practicable method for preventing, discouraging and/or abating certain conditions which endanger the life, limb, health, property, safety or welfare of the general public and to provide City staff with enforcement regulations that can be effectively applied and administered in a fair, expedient, and cost-efficient manner. The City may direct a property owner to remove a nuisance on the property and, if the owner fails to do so, remove the nuisance at the owner's expense.

The procedure set forth in this Chapter for the abatement of a nuisance and the making of the cost of abatement a special assessment against that parcel is adopted under Government Code Section 38773.5. The procedure set forth in this Chapter for abatement applies to any nuisance which the City declares is a nuisance either under this code or by another ordinance which the City may adopt.

The procedure set forth in this Chapter is not exclusive and is in addition to the procedure for abatement which is conferred upon the City by Civil Code section 3494, Code of Civil Procedure section 731, Government Code section 38773, or other lawful authority.

14.01.020 General Definitions.
The following words and phrases when used in this Chapter shall, for the purposes of this Chapter, have the meanings ascribed to them in this section:

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"Abandoned," applied to any building, dwelling, or other structure that is unoccupied and is in such a state of neglect that a reasonable person would believe that the building has not been used for its intended, lawful purpose and/or has not been lawfully occupied for an extended period of time.

"Abandoned," applied to real property, means real property that is vacant and undeveloped, and/or real property that has not been lawfully developed and/or improved and which is more than two (2) years delinquent in payment of the assessed real property taxes owing upon such property.

"Abandoned," applied to a vehicle, means the status of a vehicle or part thereof which is abandoned, wrecked, dismantled, or in an inoperative condition and/or when the vehicle owner has ceased to assert or exercise any interest, right or title therein without intent to resume or reassert such interest, right or title.

"Abatement" means the removal of a certain condition or conditions which are detrimental to, or endanger the life, limb, health, property, safety or welfare of, the general public.

"Administrative appeals decision" means a written decision rendered by the City Council following an administrative appeal hearing conducted pursuant to Sonora Municipal Code Chapter 1.24.

"Administrative citation" means a formal notice that is issued by an Enforcement Officer to a person who has committed an infraction or misdemeanor violation, in lieu of issuing a criminal field citation or filing a criminal complaint.

"Assessment" means the special assessment which may be assessed against a parcel of land as authorized by section 38773.5 of the Government Code to recover the City's cost of abatement of a public nuisance.

"Building Official and/or City Building Inspector" means the individual designated by the City Administrator as the person authorized to serve as the City's Building Official for the purposes of administering various building and property maintenance codes contained in the Sonora Municipal Code, including, but not limited to, the building, administrative, plumbing, mechanical, electrical, abatement of dangerous buildings, signs and swimming pool, spa and hot tub codes.

"Building permit" means the permit granted by a ministerial process which permits the construction or modification of a building or structure in accordance with the Sonora Municipal Code and applicable statutes, codes, rules and regulations.

"Certificate of occupancy" means the certificate required by the Sonora Municipal Code Title 15 Building and Construction Code and administered by the Building Official or Building Inspector or his or her designee as may be authorized by law indicating that

work has been completed in compliance with Title 15 Building and Construction and Title 17 Zoning Codes.

"City Administrator" means the City Administrator or his or her designee.

"Community Development Director" means the City's Community Development Director or his or her designee.

"Costs" or "expenses" to abate the nuisance shall include the actual cost of abatement plus all administrative expenses, including direct and indirect personnel costs; costs incurred in documenting the nuisance; the actual expenses and costs of the City in the preparation and dissemination of notices, specifications, and contracts and in inspecting the work; the costs of printing and mailing the required notices; and the costs of imposing a lien, if a lien becomes necessary.

"Declaration" means the formal document written by an individual under penalty of perjury describing the individual's observations, actions, and/or investigation.

"Enforcement Officer" means any City employee or agent of the City with the authority to enforce a provision of this Code.

"Fire Chief" means the City's Fire Chief or his or her designee.

"Garbage" means putrescible solid waste that can rapidly decompose and become a nuisance characterized by decay, odors, gases, attraction of vectors, and other offensive conditions, such as foodstuffs, offal and dead animals.

"Hearing Officer" a person appointed by the City Administrator to preside over appeal hearings as described in Chapter 1.24.

"Improved Surface" means a driveway, parking space, or area constructed on private property with concrete, gravel, brick pavers, or asphalt, or an equivalent approved by the Building Official and/or City Building Inspector", and which is intended to be used for the parking or storing of vehicles. Gravel surfaces shall be of sufficient thickness, and be continuously maintained such that no grass, weeds, vegetation or bare earth is visible and in which the gravel is confined by an approved border.

"Junk" means any cast-off, damaged, discarded obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material, including but not limited to those composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other substance, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture or parts thereof, trimmings from plants or trees, cans, bottles and barrels, discarded and or abandoned appliances, and equipment or mechanical devices whether operable or non-operable .

"Legal or equitable interest" means possessing a legal or equitable interest in real property, including, but not limited to, a leasehold interest.

"Lien" means the legal document generally recorded against real property to secure the payment of a debt.

"Lien holder" means possessing a legal or equitable interest in a vehicle owned by a person registered with the State Department of Motor Vehicles as the owner of the vehicle.

"Litter" means an accumulation of garbage, rubbish, junk and all other waste material that is dangerous, injurious, blighted, or unsightly to neighboring property or to the health and safety of the general public.

"Notice and Order" means a formal notice informing a party about the existence of a certain condition or situation which constitutes an infraction or misdemeanor violation of the Sonora Municipal Code, a public nuisance, or a violation of any applicable statute, rule, code or regulation.

"Owner" means any person having a legal or equitable interest in property. "Owner," applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such building or land. "Owner," applied to a vehicle, means the person registered with the State Department of Motor Vehicles as the owner of the vehicle.

"Permit" means a document issued by the City which allows a use, activity, event, or structure in accordance with the Sonora Municipal Code and applicable statutes, codes, rules and regulations.

"Police Chief" means the City's Police Chief or his or her designee.

"Polluted water" means that which includes and is not limited to such things as bacterial growth, algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

"Public right-of-way" means any area or parcel of property granted, deeded, dedicated to, or otherwise acquired by the City, or the public at large, for any public purpose including, but not limited to, alleys, roadways, parkways, pedestrian ways, sidewalks and public streets.

"Refuse" means the following:

1. Nonputrescible solid waste, often referred to as "rubbish," such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials, garbage; and

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2. Putrescible solid waste, often referred to as "garbage."

"Remedies" means the enforcement options available to the City to gain compliance with a law or regulation.

"Responsible person" means the owner of record of the subject real property and/or vehicle(s) and any occupant, lessee, or interested lien holder in same.

"Secured," as applied to a building, means that reasonable actions have been taken to prohibit unlawful entry into the building, including, at a minimum, the locking of windows and doors.

"Statute" means any law or regulation enacted by the California State Legislature.

"Stop work order" means the order issued by the Building Official or Building Inspector or authorized agent as authorized by the Title 15 of the Sonora Municipal Code requiring that construction cease due to apparent code violations.

"Tenant" or "occupant," applied to a building or land, means and includes any person who lawfully occupies the whole or part of such building or land, whether alone or with others.

"Unimproved Surface" means a driveway or area that does not meet the requirements included in the definition of improved surfaces.

"Unoccupied," applied to a building, dwelling or structure, means a building, dwelling or structure that is not occupied or otherwise utilized by any person with a legal right to hold possession or to exercise dominion or control over such building, dwelling or structure such that a reasonable person would believe that such building, dwelling or structure has not been lawfully occupied or utilized for an extended period of time.

"Vacant building" or "vacant structure" means any building, dwelling, or other structure:

1. That is lacking habitual presence of persons who have a legal right to be on the premises or at which substantially all lawful business operations or residential occupancy has ceased.
2. Whose doors, windows or other openings are broken or missing, so as to allow uncontrolled access to the interior or exposure to the elements.

14.01.030 Property Maintenance Enforcement.

The Building Official or Building Inspector shall have enforcement authority regarding any violation of the Sonora Municipal Code regarding this Chapter resulting in a misdemeanor, infraction, or a public nuisance, unless otherwise provided for by this Chapter, the Sonora Municipal Code, applicable statutes, rules, codes and regulations, any ordinances or resolutions of the City Council.

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14.01.040 Zoning Regulations Enforcement.
The City Community Development Director, shall have enforcement authority regarding violations of the Zoning Code and regulations as adopted pursuant to the Zoning Code unless otherwise provided for by this Chapter, the Sonora Municipal Code, applicable statutes, rules, codes and regulations, any ordinances or resolutions of the City Council.

14.01.050 State Housing Law Enforcement.
The Building Official and/or Building Inspector and the Fire Chief, shall have enforcement authority regarding the State Housing Law as prescribed in sections 17910 through 17998.3 of the California Health and Safety Code.

14.01.060 Fire Hazard Enforcement.
The Fire Chief, hall have enforcement authority regarding any violation of the Sonora Municipal Code, and/or any applicable statute, rule, code, or regulation relating to fire hazards.

14.010.070 Disruptive activities, Graffiti, Vehicle Enforcement.
The Police Chief shall have enforcement authority regarding any violation of the Sonora Municipal Code, and/or any applicable statute, rule, code, or regulation relating to disruptive activities, graffiti and vehicle enforcement.

14.01.080 Persons to retain exclusive authority.
Nothing in this Chapter shall limit or otherwise restrict any employee, agent or official of the City from exercising any exclusive authority to enforce any law or regulation as provided by any applicable statute, rule, code, regulation, or policy.

14.01.090 Inspections pursuant to applicable statutes, rules, codes, regulations or inspection warrants.
Nothing in this Chapter shall prohibit or preclude inspections conducted pursuant to any applicable statute, rule, code, regulation or inspection warrant for purposes of inspections related to the respective statute, rule, code, regulation or inspection or search warrant.

14.01.100 Refusal to permit inspection pursuant to court-issued inspection warrants.
Any occupant or tenant who refuses to permit an inspection pursuant to any court-issued inspection warrant may be subject to arrest for a misdemeanor by a Police Officer, or other authorized enforcement officer. Forcible execution of said inspection under such circumstance shall be permitted only if the warrant expressly grants permission for such forcible entry.

14.01.110 Abandoned and/or vacant buildings or structures.
It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to abandon or vacate, or cause to be abandoned or vacated, any building or structure, so that it becomes accessible to unauthorized persons including, but not limited to, juveniles and vagrants, for unlawful or hazardous use, or to allow the same to become infested with vermin or rodents, or to become a menace to the health or safety of the public. The below requirements must be completed to secure an abandoned and/or vacant building or structure.

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A. Duty to Maintain Property. It is unlawful for an owner to maintain property or to permit property to be maintained in such a manner that any one (1) or more of the conditions described in the following subsections are found to exist:
   1. Any abandoned or vacant structure that is open and accessible and/or not secured by boarding in compliance with subsection (B) of this section;
   2. Any vacant structure whose interior contains any waste, rubbish, debris or graffiti;
   3. Any vacant structure whose premises contain any waste, rubbish, debris, excessive vegetation or graffiti;
   4. Any vacant structure that promotes a criminal activity on the property, to include, but not limited to, use and sale of controlled substances, prostitution and criminal gang activity.

B. Standards of Securing. Except as provided in subsection (B)(12) of this section, the owner shall secure a vacant structure according to all of the following specifications and requirements:
   1. Remove all waste, rubbish or debris from the interior of the structure;
   2. Remove all waste, rubbish, debris or excessive vegetation from the premises surrounding the vacant structure;
   3. Barricade all unsecured doorways, windows, or exterior openings with minimum one-half (0.5") inch thickness exterior grade plywood, which shall extend to the molding stops or studs;
   4. Mount at least two (2) wood stocks of minimum two by four (2" x 4") inch thickness to the reverse face of the plywood with minimum three-eighths (0.375") inch carriage bolts mated with nuts and two (2) flat washers;
   5. Extend the stock a minimum of eight (8") inches on each side of the interior wall;
   6. Cause all hardware to be galvanized or cadmium plated;
   7. Paint all exterior barricade material the predominant color of the structure;
   8. Terminate all utility service to the dwelling or building by removal of the meters and termination of electric power at the pole. Compliance with this subsection may be waived in writing by the Building Official, and/or Building Inspector, as to the electric utility service if electricity is needed to power exterior security lighting, an alarm system, or equipment to be used in connection with rehabilitation of the dwelling or building for which there is an active and current building permit;
   9. If applicable, cap the sewer in a manner approved by the Building Official, and/or Building Inspector, to prevent the accumulation of methane gas in the dwelling or building;
   10. Post on the Premises. One (1) or more metal signs must be posted at or near each entrance to the structure and on fences or walls as appropriate. The signs must remain posted until the structure is either lawfully occupied or demolished. Signs must contain the following information:

DO NOT ENTER.
It is illegal to enter or occupy this building or premises
or to remove or deface this notice. Trespassers will be prosecuted.
(Sonora Municipal Code, California Penal Code).

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11. The Building Official, and/or Building Inspector, may require the owner to erect a fence that meets the specifications of the Building Division on the property where the vacant structure is located. Any fence erected in accordance with this section shall be maintained in a safe condition without tears, breaks, rust, or dangerous protuberances;

12. In lieu of requiring the owner to board a vacant structure as set forth in subsections (B)(1) through (11) of this section, the Building Official, and/or Building Inspector, may allow the owner to board the vacant structure in a manner that the Building Official, and/or Building Inspector, determines adequately prevents unauthorized entry or vandalism. In any event, an owner shall post the premises as set forth in this section.

14.01.120 Attractive Nuisances.
It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain on any such premises or property any condition that constitutes an attractive nuisance including, but not limited to, the following:

1. Abandoned and/or vacant building and/or structure, damaged or broken equipment, vehicles, machinery or household items.
2. Unprotected, hazardous, filled pools without required fencing or unfilled pools or ponds.
3. Unfenced or otherwise unprotected wells or excavations.

14.01.130 California Civil Code.
The City may declare that a public nuisance exists whenever any member of the public creates, causes, commits, permits or maintains any condition or performs or causes to be performed any activity that falls within the scope of the definition of "public nuisance" as set forth in Sections 3479 and 3480 of the California Civil Code.

14.01.140 Code violations of applicable law.
It shall be deemed a public nuisance for any member of the public to create, cause, commit, permit or maintain any condition or to perform or cause to be performed any activity specifically identified as a public nuisance by this code and/or applicable statute, rule, code or regulation.

14.01.150 Discharge of sewage.
It is unlawful and it shall be a public nuisance for any person to permit on any premises or property within the City, any matter or substance from a private vault, cesspool, septic tank, water closet, privy vault, urinal, pipe, sewer line or any sewage, effluent, slop water, polluted water or any other filthy water, matter or substance to flow or discharge upon the ground or upon any public sidewalk, street or other public place.

14.01.160 Disruptive Activities.
It is unlawful and it shall be a public nuisance for any person to operate or maintain any premises or property within the City in a manner that has resulted in repeated disruptive activities including, but not limited to, disturbances of the peace of one's neighbors and quiet of the neighborhood which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

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14.01.170 Fire Hazard.
It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain such premises or property in such a manner that has resulted in the accumulation of dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

14.01.180 Hazardous substances or wastes.
It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit any hazardous substances which because of their quantity, concentration or physical, chemical or infectious characteristics may either cause or substantially contribute to an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed, or if hazardous waste to be unlawfully released, discharged, placed or deposited upon any premises or onto any City property.

14.01.190 Illegal nonconforming buildings or structures.
It is unlawful and it shall be declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain upon any such premises or property any building or structure, or any part thereof, which has been constructed or is maintained in violation of any applicable state or local law or regulation relating to the condition, use or maintenance of such building or structure.

14.01.200 Graffiti.
It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain such premises or property in such a manner that has any inscription, word, figure, picture, design or other graphic representation prohibited by law or unauthorized by the owner or person in possession of the subject property, which is marked, etched, scratched, drawn, painted or otherwise applied on any building or other public or private facility, and can be seen by any person using any public right-of-way. "Graffiti" includes, but is not limited to:

1. Any authored inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.
2. Representations of any gang-type group.
3. Projection of threats.
4. Insults to any race, creed or religion.
5. Expressions of profanity.
6. Any vulgar, crude, obscene or offensive words or images.

14.01.210 Maintenance, repair, restoration, or dismantling vehicle or large equipment or machinery.
It is unlawful and it shall be declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to allow or perform on such premises or property the maintenance, repair, restoration or dismantling of any vehicle, large machinery, or large equipment upon any residential property, walkway, or easement visible from a public street or sidewalk or from an adjoining property.

This prohibition shall not apply to work which is specifically authorized by state or local law or regulation and shall not apply to minor repair and maintenance of vehicles, machinery or equipment which belongs to the person residing at the property, and which is either performed inside an enclosed structure such as a garage or performed outside but is not visible for longer than seventy-two (72) consecutive hours.

14.01.220 Rubbish, refuse and dirt.

A. It is unlawful and it shall be a public nuisance for any person to maintain any premises or property within the City in a manner that has resulted in an accumulation of rubbish and refuse on private property.

B. It is unlawful and it shall be a public nuisance for any person to maintain any premises or property within the City in a manner that has resulted in an accumulation of rubbish, refuse and dirt on any City property or right-of-way.

14.01.230 Safety hazards.

It is unlawful and it shall be a public nuisance for any person to maintain any premises or property within the City in a manner that presents an imminent safety hazard and/or which creates a present and immediate danger to life, property, health or public safety, including, but not limited to, clandestine drug labs, fire-damaged structures, and vacant open and accessible structures.

14.01.140 Sewage.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to fail to properly connect any inhabited improvements on such premises or property to a sewage disposal system or sanitary sewer and/or to permit sewage seepage.

14.01.250 State Housing Law.

The City may declare that a public nuisance exists whenever any member of the public creates, causes, commits, permits or maintains any condition or performs or causes to be performed any activity that falls within the scope of the definition of "public nuisance" as set forth in sections 17910 through 17995.5 of the California Health and Safety Code.

14.01.260 Termites, insects, vermin and rodents.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain such premises or property in a manner that results in creating a habitat for termites, insects, vermin or rodents that presents a threat to the health and safety of the public and/or a threat to property and adjacent properties.

14.01.270 Trees and shrubs.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain such premises or property in such a manner that has resulted in:

1. Trees and shrubs with dead or fallen limbs or branches that present a safety hazard or restrict, impede or obstruct the use of a public right-of-way, easement, sidewalk or roadway.
2. Branches from any tree or shrub not trimmed to the height of ten (10' 0") feet over the public sidewalk and to the height of thirteen (13' 0") feet over the public street, easement, sidewalk or roadway where such growth restricts, impedes or obstructs pedestrian or vehicular use of said public right-of-way, easement, sidewalk or roadway.
3. Trees, tree limbs and branches that present a safety hazard or restrict, impede or obstruct street signs, traffic signal lights or street lamps from illuminating the public right-of-way, easement, sidewalk or roadway.

14.01.280 Vehicle Parking.

A. It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit on such premises or property any operable or inoperable vehicle, vessel, recreational vehicle, motor home, trailer, camper, camper shell or boat to be parked or stored outside of a garage or carport on an unimproved surface in excess seventy-two (72) consecutive hours.

B. It shall be unlawful and it shall be a public nuisance to leave or park a vehicle on a public sidewalk or on any part of a sidewalk, including the extension of a public sidewalk across a driveway, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer.

14.01.290 Vehicle Nuisance.

It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit on such premises or property any inoperable vehicle, vessel, recreational vehicle, motor home, trailer, camper, camper shell or boat parked or stored outside of a garage or carport on any improved or unimproved surface in excess seventy-two (72) consecutive hours which have any of the following physical defects:

1. Broken windshield, mirrors or other glass, with sharp edges.
2. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.
3. Any body parts with sharp edges including holes resulting from rust.
4. Missing tires resulting in unsafe suspension of the motor vehicles as on a jack or blocking.
5. Broken headlamps or tail-lamps with sharp edges.
6. Protruding sharp objects from the chassis.
7. Broken vehicle frame and/or motor suspended from the ground in an unstable manner.
8. Exposed battery containing acid.
9. Inoperable locking mechanism for doors or trunk.
10. Open or damaged floor boards including trunk and firewall.
11. Damaged bumpers pulled away from the perimeter of vehicle.
12. Broken grill with protruding edges.
13. Loose or damaged metal trim and clips.

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14. Open trunk and open engine hood.
15. Unlocked doors or open windows which can allow children to enter the vehicle and then lock themselves inside.
16. A motor vehicle unlicensed in excess of 30 days.
17. A vehicle, vessel, or trailer with expired registration in excess of 30 days.

14.01.300 Notice of public nuisance and order to abate.
When the Building Official, and/or Building Inspector or other designed Enforcement Officer, has inspected any real property or premises and has found and determined that conditions at or upon such property or premises constitute a public nuisance pursuant to any provision of the Sonora Municipal Code and/or applicable statute, rule, code and regulation, and the City has not commenced an alternative public nuisance abatement procedure prescribed by statute regarding said public nuisance, the Building Official, and/or Building Inspector or other designed Enforcement Officer, may issue or cause the issuance of a notice and order to abate as specified in Sections 14.1.310, 14.01.320 and 14.01.730.

14.1.310 Public nuisance administrative fines.
Administrative fines are set forth in accordance with Chapter 1.20 of the Sonora Municipal Code.

14.01.320 Notice of Violation.
The notice of violation shall comply with Chapter 1.20 of the Sonora Municipal Code.

14.01.330 Abatement Notice.

A. Whenever the Enforcement Officer determines that public or private property or any portion of public or private property is a public nuisance as generally defined in this Chapter, or as declared in a specific section of this Code and/or applicable sections of the state code, an abatement notice may be issued to the responsible person to abate the public nuisance.

B. The abatement notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property, and shall refer to the section of this Code or applicable state code violations which render the property a public nuisance. The abatement notice shall describe the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants, or other appropriate action and shall establish time frames by which each action must occur. In addition, the abatement notice shall explain the consequences should the responsible person fail to comply with the terms of the notice and identify all applicable hearing and appeal rights.

C. *Method of Service.* The administrative citation and all notices required to be given by this Chapter shall be in accordance to the procedures set forth in Section 1.20.080 of this Code.

D. No Action by Responsible Parties. The responsible parties have until the date stated on the notice to abate the nuisance voluntarily or request a hearing to appeal the notice and order. At the end of the period provided in the notice, the City shall make a determination of whether

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the nuisance has been abated. If a responsible party does not abate the nuisance or appeal the initial notice, the City may abate the nuisance, or schedule a hearing pursuant Chapter 1.24.

E. Appeal of Abatement Notice. The responsible party may appeal the abatement notice pursuant to the provisions of Chapter 1.24.

14.01.330 Abatement of a public nuisance by the City.
Once the enforcement official follows the procedures of this Chapter and obtains authorization to abate a public nuisance, the public nuisance may be abated by City personnel or by a private contractor. City personnel or a private contractor can enter upon private property in a reasonable manner to abate the public nuisance as specified in the abatement notice or abatement order. The Building Official shall make a reasonable effort to locate the owner, or other persons having charge or control of the building or premises, and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry. No person shall enter any building or premises pursuant to this section between the hours of 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, without the consent of the owner or the occupants of the building or premises, and shall not enter any building or premises in the absence of the occupants without a proper written order executed and issued by a court of competent jurisdiction.

If the responsible party abates the public nuisance before the City performs the actual abatement pursuant to an abatement notice or abatement order, the Enforcement Officer may still assess all costs incurred by the City at that point against the responsible party pursuant to the provisions set forth in Chapter 1.08.

14.01.350 Recordation of certificate of nuisance.
Following an administrative appeal decision issued by the City Council pursuant to Sonora Municipal Code Chapter 1.24, a certificate of nuisance may be filed and recorded in the office of the Tuolumne County Clerk-Recorder to certify that: A) the subject property is being maintained as a public nuisance in violation of the Sonora Municipal Code and/or applicable statute, rule, code and regulation; and B) the property owner has been so notified.

14.01.360 Recordation of certificate of abatement.
Whenever it is determined that the violations set forth in the certificate of nuisance have been corrected so that the premises no longer exists in a condition that is a public nuisance in violation of the Sonora Municipal Code and/or applicable statute, rule, code and regulation, a certificate of abatement may be recorded in the office of the Tuolumne County Clerk-Recorder certifying that all required corrections have been made and that the subject premises is no longer being maintained as a public nuisance.

14.01.370 Violations.
Any person who fails to comply with a notice and order to abate, notice of violation, abatement notice, or other notice issued pursuant to this article may be charged with an infraction offense and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

14.01.380 Summary abatement of public nuisances that pose an immediate threat to public health and safety.

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If, upon the determination of the Building Official, Building Inspector, or other authorized Enforcement Officer, a particular public nuisance as described in this Chapter or any other applicable statute, rule, code or regulation poses an immediate threat to public health and safety, the authorized enforcement officer who made the public nuisance determination may dispense with the notice and hearing requirements of the public nuisance appeals procedures set forth in this Chapter and cause City crews or private contractors to take the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard and/or condition(s) causing any imminent health and safety hazard.

14.01.390 Inventory discarded items.
Prior to the City performing any abatement work pursuant to Sonora Municipal Code Section 14.01.290, the authorized Enforcement Officer who caused the summary abatement shall, if feasible, cause an inventory to be taken which lists those items which are proposed to be removed from the property and discarded.

14.01.400 Preparation of Summary Abatement Report.
Prior to ordering summary abatement pursuant to this Chapter, the authorized Enforcement Officer who caused the summary abatement shall prepare a written report which sets forth in writing the facts and circumstances establishing:

1. Why advance notice of the abatement to the property owner, occupant and/or agent having charge or control is not reasonable or feasible or why prior advance notice was not effective.
2. Why the subject property constitutes a public nuisance.
3. Why immediate abatement of the public nuisance is necessary.

14.01.410 Filing of original Summary Abatement Report.
The original of the summary abatement report shall be filed with the City Clerk.

14.01.420 Method and manner of service of Summary Abatement Report.
A copy of the summary abatement report shall be served as soon as possible to the owner(s) of record of the parcel of land on which the public nuisance exists in accordance with Section 1.20.080 of this Code to each such person at their address as it appears on the last equalized assessment roll of the County or as known to any City officer or other enforcement officer. If no address of any such person so appears or is otherwise known, then a copy of the summary abatement report shall be so mailed, addressed to such person(s), at the address of the subject premises. The failure of any such person(s) to receive a copy of the summary abatement report shall not affect the validity of any proceedings or actions taken under this Chapter.

14.01.430 Attorneys' fees.
The prevailing party in any proceeding conducted pursuant to this Chapter and associated with the abatement of a public nuisance shall be entitled to recovery of attorneys' fees incurred in any such proceeding. An award of attorneys' fees to a prevailing party shall not exceed the amount of reasonable attorneys' fees incurred by the City.

14.01.440 Responsibility for public nuisance abatement costs.

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If the City elects to perform public nuisance abatement work pursuant to this Chapter, the owner of record of the property shall be liable for all costs of abatement incurred by the City, including, but not limited to, administrative costs, pursuant to Chapter 1.08

14.01.450 Recovery of costs of abatement.
All costs associated with the abatement of a nuisance by the City may be recovered in accordance with the Sonora Municipal Code Chapter 1.08.

14.01.460 Receivership.
The City may seek and obtain any remedies for an appointment of a receiver which may also be available to the City pursuant to sections 17980 through 17992 of the California Health and Safety Code.

14.01.470 Violations.
Upon the exhaustion of all other administrative remedies, any person who creates, causes, commits, permits or maintains a condition or public nuisance which poses an immediate threat to public health and safety in violation of this article may be charged with a misdemeanor offense and subject to administrative remedies as provided in the Sonora Municipal Code Title 1.

This Ordinance shall take effect thirty (30) days after its passage and shall be published within fifteen (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on _____, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on _____, by the following vote:

AYES: _____

NOES: _____

ABSENT OR ABSTAIN: _____

_____
James M. Garaventa, Mayor

ATTEST: _____
City Clerk

Approved as to Form:

_____
Douglas L. White, City Attorney

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Publish: The Union Democrat, Sonora
_____, 2019

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