

CHAPTER 6.12

NUISANCES

Section	
6.12.010	Purpose
6.12.015	Definitions
6.12.020	Public nuisances included
6.12.030	Owner's responsibility
6.12.040	Nuisance conditions
6.12.050	Abatement by repair, rehabilitation, demolition, or removal
6.12.055	Summary abatement of immediate dangers
6.12.060	Notice of violation
6.12.065	Abatement by proceedings before hearing body and notice of administrative hearing
6.12.070	Reserved Recovery of Enforcement Costs
6.12.080	Posting and serving notice of violation
6.12.090	Form of proper service of notice of violation
6.12.095	Enforcement stayed during pendency of hearing
6.12.100	Hearing by hearing body
6.12.110	Decision by hearing body ordering abatement
6.12.120	Service of order of abatement
6.12.130	Abatement by City officer
6.12.140	Report to City Council of costs of abatement by the City
6.12.150	Hearing by City Council on report of costs of abatement by City
6.12.155	Imposition of penalties
6.12.160	Special assessment or nuisance abatement lien on property for costs of abatement by the City
6.12.170	Abatement of certain vehicles
6.12.180	Alternative remedies

6.12.010 PURPOSE.

Pursuant to Cal. Government Code §§ 38770 et seq., the City Council establishes, as an alternate to procedures otherwise provided for by law, procedures that may be used for the purpose of abating a public nuisance. It shall be a violation of this Chapter 6.12 for any Responsible Party owning, renting, leasing, occupying, or having charge of any premises to cause or permit a nuisance to exist thereon.

(Ord. 840, § 1, passed -- 2003)

6.12.015 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE or MUNICIPAL CODE. The City of Fort Bragg's Municipal Code, all uniform codes that have been incorporated into the City's Municipal Code, the City's Land Use and Development Codes, and any applicable local, state or federal laws and regulations that are or may be enforced by the City, including without limitation, the State Housing Law (Health and Safety Code § 17910, et seq.)

CODE ENFORCEMENT OFFICER or ENFORCEMENT OFFICER. Any person authorized or directed by the City Manager to enforce any provision of this Code including any peace officer.

HEARING BODY or HEARING OFFICER. The City Manager or any person(s) appointed by the City Manager to conduct hearings pursuant to this chapter. As used herein, the use of either term shall be presumed to include the other term.

NOTICE OF VIOLATION. A written statement of the acts or omissions or violations of this Code that are alleged to have occurred, including specific citations to the Municipal Code.

OWNER. The Owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

RESPONSIBLE PARTY. Any person, trust(ee), entity, or parent or legal guardian of any person(s) under 18 years of age, whose acts or omissions have caused, permitted, or contributed to a nuisance and shall include any Owner(s) or occupant(s) of real property on which a nuisance exists

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(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 2 passed 11-14-2011)

6.12.020 PUBLIC NUISANCES INCLUDED.

The provisions of this chapter shall be applicable to any nuisance defined as a nuisance by any City ordinance, resolution, provision of the Municipal Code, or any of the conditions or activities set forth in § 6.12.040 of this chapter.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 3 passed 11-14-2011)

6.12.030 OWNER'S RESPONSIBILITY.

An Owner remains liable to the City for violations of duties imposed upon him or her by this chapter even though:

- A. An obligation is also imposed on another Responsible Party; or
- B. The Owner has, by agreement, imposed upon another Responsible Party the duty of complying with this chapter.

(Ord. 840, § 1, passed -- 2003)

6.12.040 NUISANCE CONDITIONS.

It is declared a public nuisance for any Responsible Party owning, leasing, occupying, or having charge of any premises in this City to maintain the premises in the manner that any one (1) or more of the following conditions or activities are found to exist:

- A. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of the magnitude as to be injurious or potentially injurious to the public health, safety, and welfare or to adjacent properties;
- B. Buildings which are abandoned, partially destroyed, or permitted to remain unreasonably in a state of partial construction;
- C. The failure to close by means acceptable to the City, all doorways, windows, and other openings into abandoned vacant structures;
- D. Broken windows constituting hazardous conditions or inviting trespassers and malicious mischief;
- E. Overgrown vegetation:
 - 1. Likely to harbor rats, vermin, and other nuisances;
 - 2. Causing detriment to neighboring properties; or
 - 3. Causing fire hazard.
- F. Dead, decayed, diseased, or hazardous trees, weeds, and other vegetation located in the curb, gutter, and sidewalk areas;

1. Constituting a danger to public safety and welfare; or
 2. Detrimental to nearby property.
- G. Attractive nuisance dangerous to children in the form of:
1. Abandoned and broken equipment;
 2. Hazardous pools, ponds, and excavations; and
 3. Neglected machinery.
- H. Broken or discarded furniture and household equipment on the premises for periods in excess of 90 days, visible from the street or nearby property which constitutes visual blight or is detrimental to nearby property or property values;
- I. Packing boxes, trash, dirt, and other debris deposited for periods in excess of 90 days either inside or outside buildings, visible from the street or nearby property which constitutes visual blight or is offensive to the senses or is detrimental to nearby property values;
- J. The accumulation of dirt, litter, or debris in vestibules, doorways, or the adjoining sidewalks of commercial or industrial buildings;
- K. Neglect of premises:
1. To influence zone changes; or
 2. To cause detrimental effect upon nearby property or property values.
- L. Maintenance of premises in the condition as to be detrimental to the public health, safety, or general welfare;
- M. Property maintained in the condition as to create an unsafe condition;
- N. Any automobile service station which is closed, vacant, or inoperative for a period exceeding 60 days is declared to be a public nuisance. Inoperative is defined as the failure to sell gas, either retail or wholesale, during the 60-day period;
- O. Specialty structures which have been constructed for a highly specific single use only, and which are not enclosed or shielded, and which are unfeasible to convert to other uses, and which are abandoned, partially destroyed or are permitted to remain in a state of partial destruction or disrepair and constitute a hazardous condition including, but not limited to: tanks for gas or liquid, boat housing and storing facilities, boat hoisting and docking facilities, boat mooring pilings, lateral support structures and bulk-heads, utility high-voltage towers and poles, utility high-rise support structures, electronic transmitting antennas and tower, structures which support or house mechanical and utility equipment and are located above the roof lines of existing buildings, high-rise freestanding chimneys and smoke stacks, drive-in movie screens, recreational structures such as tennis courts and cabanas, and all other specialty structures not listed in this subsection but determined to be a specialty structure by the City;
- P. Presence of abandoned, dismantled, wrecked, or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats, or parts thereof, except:
1. When completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 2. When stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when the storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Q. Obstruction or encroachment of any public property, including, but not limited to, any public street, highway, right-of-way, park, or building;

R. A violation of any provision of the Municipal Code;

S. Storage of hazardous materials in the manner as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties; and/or

T. Any condition recognized in law or in equity as constituting a public nuisance, including without limitation, any condition described in Cal. Civil Code § 3479.

U. Continual complaints of violations of Local, State or Federal laws that require the Police Department to respond to the property resulting in the issuance of citations or the making of arrests.

V. Commercial buildings, which are closed, vacant, or inoperative for a period exceeding 90 days shall be declared a public nuisance, unless maintained to the following standards:

1. Windows must be kept clean, unobstructed by stored items or temporary coverings, and in a move-in ready condition equivalent to and consistent with occupied buildings in close proximity, except that temporary coverings are allowed during the period of time that an active building permit has been issued and tenant improvements are actually under construction;
2. Local contact information for the property owner or property manager must be posted and clearly displayed on the front door;
3. The interior and exterior of the structure must be maintained clear of trash, debris and stored items, except for those commercial fixtures directly associated with a prior or proposed legal use of the building;
4. The exterior surfaces and paint, millwork and trim shall be kept clean and maintained in good condition equivalent to and consistent with occupied buildings in close proximity, to achieve a uniform appearance with the surrounding area and present a move-in ready condition for future tenants or business operators; and
5. All nuisance conditions listed in this section are applicable to vacant buildings and in cases of immediate danger to health and safety or emergency may be caused to be abated prior to the 90-day period first stated above.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 875, § 43, passed 08-25-2008; Am. Ord. 898 § 4, passed 11-14-2011; Am. Ord. 941 § 2, passed 09-24-2018)

6.12.050 ABATEMENT BY REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL.

All or any part of premises found to constitute a public nuisance shall be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth in this chapter. The procedures set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing City ordinances or abating public nuisances in any other manner provided by law.

(Ord. 840, § 1, passed -- 2003)

6.12.055 SUMMARY ABATEMENT OF IMMEDIATE DANGERS.

A. Whenever any condition on or use of property causes or constitutes, or reasonably appears to cause or constitute an imminent or immediate danger to the health and safety of the public, the condition or use may be summarily abated by the City without notice or hearing.

B. When summary abatement is necessary it shall be ordered only by the City Manager or the person performing the duties of the City Manager in his or her absence.

C. Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety.

D. Notice of the summary abatement shall be provided to the Owner and any other Responsible Party, as provided in § 6.12.090, as soon as practical.

E. The cost and expense of a summary abatement shall be made a lien or special assessment on the property and shall be collected pursuant to procedures in §§ 6.12.140, 6.12.150, and 6.12.160.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 5, passed 11-14-2011)

6.12.060 NOTICE OF VIOLATION.

A. Whenever an Enforcement Officer finds that a provision of this Code has been violated, he or she shall notify the violator in writing of the violation. The form of written notice shall be a Notice of Violation, which shall be served on the violator in the manner described in § 6.12.090, below.

B. The Enforcement Officer shall include in the Notice of Violation the following information:

1. Date and location of the violation, including the address or definite description of the location where the violation occurred, or is occurring;

32. Actions required to correct or abate the violation and a reasonable amount of time for the actions to be commenced, and the correction or abatement completed. Recovery of code enforcement costs will accrue upon failure to correct or abate the violation within the time specified in the Notice of Violation or within a reasonable amount of time for the corrective actions to be commenced and completed;

43. An order prohibiting the continuation or repeated occurrence of a violation of this Code described in the Notice of Violation; and

54. The signature of the citing Enforcement Officer.

C. A Notice of Violation shall be accompanied by a statement that the Responsible Party may request a hearing within 15 calendar days of the date of the Notice of Violation, and that failure to do so will constitute a waiver of the Responsible Party's right to a hearing and that the City may proceed upon the Notice of Violation without a hearing. If the City chooses to set the matter for hearing or if a hearing is required pursuant to a specific provision of this Code, then the Notice of Violation shall include a Notice of Hearing in the form set forth in § 1.06.050 of this Code, as the same may be amended from time to time.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 6, passed 11-14-2011)

6.12.065 ABATEMENT BY PROCEEDINGS BEFORE HEARING BODY AND NOTICE OF ADMINISTRATIVE HEARING.

Whenever the Building Official, Fire Chief, or any City employee, agent or representative as may be designated by the City Manager, determines that any premises within the City are being maintained contrary to one (1) or more of the provisions of this Chapter 6.12, then he or she may cause notice to be given as provided in this chapter, of an administrative hearing before a designated Hearing Body to ascertain whether the same does in fact constitute the public nuisance, the abatement of which is appropriate under the police power of the City. The hearing date shall be no less than 20 days after service of the Notice of Hearing. An administrative hearing that is conducted pursuant to this chapter shall be conducted in accordance with the procedures in Chapter 1.06, except as otherwise provided herein.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 8, passed 11-14-2011)

6.12.070 ~~(RESERVED)~~ RECOVERY OF ENFORCEMENT COSTS.

This chapter provides authority for the City to recover the costs of inspection, enforcement and correction of violations of laws and ordinances to the full extent permitted by Government Code Section 54988 as it may be amended from time to time. Accordingly, provisions of this chapter which specify the process for creating,

recording, and collecting liens for abatement of nuisances may also be used for the recovery of said costs of inspection, enforcement and correction as well.

Any person violating any provision of this code resulting in the city filing an administrative, civil action, or special proceeding to obtain code compliance or remedy of such violation shall be liable for the costs of such matter, including, but not limited to, costs of investigation, abatement, court costs, and costs of monitoring compliance. In addition, in any administrative, civil, or special proceeding to abate an administrative violation, the city may, at the initiation of the proceeding, seek an award of attorney's fees. If the city seeks an award of attorney's fees, the award shall be made to the prevailing party. Provided, however, that no award may be made to a prevailing party that exceeds the amount of reasonable attorney's fees incurred by the city in the action or proceeding.

6.12.080 POSTING AND SERVING NOTICE OF VIOLATION.

A. Service of a Notice of Violation shall be made as provided in § 6.12.090 herein. If the matter is set for hearing by the City, the Responsible Party(ies) shall be served with the Notice of Violation accompanied by a Notice of Hearing, in accordance with § 1.06.050 of this Code, as the same may be amended from time to time.

B. Proof of posting and service of the notices shall be made by declaration under penalty of perjury filed with the City Clerk.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 10, passed 11-14-2011)

6.12.090 FORM OF PROPER SERVICE OF NOTICE OF VIOLATION.

A. Service of the Notice of Violation may be made by personal service or by mail and posting as described below.

B. If notice is given by mail, it shall be sent by certified mail, return receipt requested, postage prepaid, addressed to the Responsible Party, and if there is no known address for the Responsible Party, then it shall be sent to the Responsible Party at the property address subject to the nuisance proceedings. Service by mail is effective as of the date of receipt.

C. If return receipt is not received by City, the notice shall be posted in a conspicuous place upon the property for a period of ten (10) days.

D. The failure of a Responsible Party to receive the notice shall not affect the validity of the proceedings in this chapter.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 11, passed 11-14-2011; Am. Ord. 906 § 8, passed 04-22-2013)

6.12.095 ENFORCEMENT STAYED DURING PENDENCY OF HEARING.

Enforcement of a Notice of Violation or penalty shall be stayed during the pendency of a hearing on the Notice of Violation or any appeal authorized by this Code of any decision of a Hearing Body, unless the City obtains an order from a court of competent jurisdiction requiring or authorizing the abatement of a condition that is the subject of the City's enforcement efforts. (Ord. 898 § 12, passed 11-14-2011)

6.12.100 HEARING BY HEARING BODY.

At the time stated in the notice, the Hearing Body shall hear and consider all relevant evidence, objections, or protests and shall receive testimony from Owners, witnesses, City personnel, and interested persons relative to the alleged public nuisance and to the proposed rehabilitation, removal, repair, demolition, or other abatement appropriate under the legal powers of the City.

(Ord. 840, § 1, passed -- 2003)

6.12.110 DECISION BY HEARING BODY ORDERING ABATEMENT.

A. Upon the conclusion of the hearing, the Hearing Body shall determine whether the premises, or any part thereof, as maintained constitutes a public nuisance. If the Hearing Body finds that the public nuisance does exist and that there is sufficient cause to rehabilitate, remove, demolish or repair the same, the Hearing Body shall issue a written order setting forth findings. This order shall direct the Owner and any other Responsible Party having charge or control of the premises to abate the conditions determined to be a nuisance. The order shall set forth the times

within which abatement work shall be commenced and completed. The order shall inform the Owner and/or Responsible Party that if the nuisance is not abated within the specified time, the nuisance may be abated by the City and the cost thereof made a lien or special assessment on the property involved.

B. If the Hearing Body finds that no nuisance condition exists or that no violation of the Code occurred, that the violation was corrected during the time specified in the Notice of Violation, or that the person cited is not the Responsible Party, the Hearing Body shall issue an administrative order to reflect those facts, and the City will promptly refund the amount of any penalty deposited and any appeal fee that was paid.

C. The order shall also inform the Owner and/or Responsible Party that the time for judicial review is governed by the Cal. Code of Civil Procedure § 1094.6, except for an order imposing an administrative penalty in accordance with Chapter 1.06, for which judicial review shall be governed by Cal. Government Code § 53069.4.

D. Subject to judicial review, if requested, the decision and order of the Hearing Body shall be final

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 13, passed 11-14-2011)

6.12.120 SERVICE OF ORDER OF ABATEMENT.

A. A copy of the order of the Hearing Body ordering the abatement of the nuisance shall be served upon the Responsible Party in accordance with the provisions of § 6.12.090. Any Responsible Party shall have the right to have any nuisance condition abated in accordance with the order and at the party's expense provided the same is done prior to the expiration of abatement period set forth in the order.

B. If the City Manager determines that the abatement of the nuisance is likely to cause a significant depreciation in the value of the property upon which the nuisance is located, the City Manager may order, after consultation with the City Attorney, that all mortgagees and/or beneficiaries under any deeds of trust of record on the property be provided a copy of the order.

(Ord. 840, § 1, passed -- 2003)

6.12.130 ABATEMENT BY CITY OFFICER.

If the nuisance is not completely abated as directed within the designated abatement period, then the City Manager, or the other City official as may be designated, may, after consultation with the City attorney, cause the same to be abated by the City either through the use of its own employees or through contracted services after obtaining either the consent of the Owner or Responsible Party or obtaining an abatement warrant from a court of competent jurisdiction.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 14, passed 11-14-2011)

6.12.140 REPORT TO CITY COUNCIL OF COSTS OF ABATEMENT BY THE CITY.

A. The City may elect to recover its costs to abate nuisance conditions, including enforcement and correction of violations of laws and ordinances to the full extent permitted by Government Code Section 54988. Recoverable costs, include or enforce other provisions of this Code, including without limitation, the costs of any hearing or appeal hearing (including staff time necessary to prepare for and attend a hearing or an appeal hearing), any re-inspections required to determine or confirm that compliance has been achieved, production of all staff reports, environmental tests or measurements that are deemed necessary or appropriate by the Code Enforcement Officer, third party inspection(s) or consultant services as deemed necessary by the City and any attorneys' fees incurred in pursuing enforcement, including any civil action to abate nuisance conditions or enforce this Code. To this end the City has prepared a fee schedule that calculates the typical cost of enforcing a variety of different code violations based on previous experience. The code violation enforcement fee is updated on an annual basis. If the City elects at the initiation of an administrative enforcement action or other proceeding to seek recovery of attorneys' fees, pursuant to Cal. Government Code § 38773.5(b), or any other applicable authority, including this Code, then the prevailing party shall be entitled to recover attorneys' fees in an amount not to exceed the amount of attorneys' fees incurred by the City in such action. Recovery by the City of the costs of enforcement shall be in addition to any penalty imposed on the Responsible Party.

B. Accrual of Abatement Costs will occur whenever any person creating, causing, committing, or maintaining a public nuisance, as referred to in Sections 6.12.020 and/or 6.12.040, or other public nuisance, as defined under State law or by other ordinances or regulations, has been given notice, by or on behalf of the Code Enforcement Department or by any other officer, or employee authorized to give such notice, to abate such nuisances or cease and desist from continuing such nuisance or violation of law, and such person fails, refuses, or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonably sufficient to enable such compliance, such non-complying person shall be liable to the City of Fort Bragg for any and all costs and expenses incurred by the City in abating the nuisance and or correcting violations of State law or other ordinances and regulations and in obtaining compliance with or enforcing the law as referred to or encompassed within such notice.

B C. If the City abates the nuisance, the Director of Finance at the direction and request of the City Manager shall keep an account of the cost of abatement, including attorney fees, if any, and incidental expenses and shall render an itemized written report to the City Council showing the cost of abatement, including any salvage value of material from the abatement.

CD. The term “incidental expenses” shall include, but not be limited to, the actual expenses and costs of the City in:

1. Preparation of notices, specifications, and contracts;
2. Inspecting the work;
3. Costs of preparing for and attending any required hearings;
4. The costs of printing and mailing required hereunder; and
5. Costs of imposing a lien or levying a special assessment on the property.

DE. Should the proceeds of sale of any salvage material exceed the cost of the abatement, the balance, if any, shall be paid to the Owner or Responsible Party upon establishment of his or her claim for the excess proceeds.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 15, passed 11-14-2011)

6.12.155 IMPOSITION OF PENALTIES.

A Code Enforcement Officer, Hearing Officer or Hearing Body may impose on any and all Responsible Parties a penalty for any nuisance condition or violation of any provision of this Code, including a failure to comply with a term or condition imposed by any agreement, entitlement, permit, license or environmental document issued or approved by or on behalf of the City, or a failure to comply with any county, state or federal law, pursuant to the City’s general police powers, and/or Cal. Government Code §§ 36901 and 53069.4.

A. The amount of any penalty that may be imposed for a violation that would otherwise be an infraction shall not exceed the amounts set forth in Cal. Government Code § 36900(b), as amended from time to time. The amount of any penalty that may be imposed for all other violations (i.e., violations that would otherwise be misdemeanors) shall not exceed the amounts set forth in Cal. Government Code § 36901, as amended from time to time. In determining the amount of a penalty, the following factors should be taken into consideration:

1. Duration of the violation;
2. Frequency, re-occurrence, or number of violations by the same person;
3. Seriousness of the violation and/or its impact on the community and/or the degree of culpability of the Responsible Party(ies);
4. Justification, if any, for the existence, or continuance, of the violation;
5. Whether the violation is susceptible to restoration or other mitigation;

6. Good faith efforts to mitigate the violation or to come into compliance with the terms contained in any Notice of Violation, abatement order or other order;
7. Sensitivity of any affected resource;
8. Any profits or other economic benefit realized by the Responsible Party(ies) resulting, directly or indirectly, from the violation;
9. The City's schedule of administrative penalties currently existing or subsequently enacted; and
10. Such other factors as justice may require.

B. Each and every day during any portion of which a violation of this Code and/or a nuisance condition exists or continues may be deemed a separate and distinct violation for purposes of setting the amount of penalty to be imposed. Any penalty imposed will accrue on a daily basis from the date the penalty becomes effective until the violation is corrected.

C. Any penalty amount is a debt owed to the City. In addition to all other means of enforcement, a penalty may be enforced as a personal obligation of the Responsible Party. If the violation is in connection with real property, a penalty may also be enforced by imposition of a lien or special assessment upon the real property, as described in § 6.12.160. Any lien or special assessment imposed upon real property shall remain in effect until the penalty is paid in full.

D. A Hearing Officer or Hearing Body, may, in his, her or its sole discretion, suspend the imposition of any applicable penalty for a period of time not to exceed sixty (60) days during which the Responsible Party has demonstrated a willingness to correct the violations listed in the Notice of Violation or comply with an abatement or other order, or has applied for permits required to achieve compliance and such permit applications are actively pending before, or have already been issued by, the City, State, or other appropriate governmental agency, or under any other circumstances that would justify a suspension of the penalty.

(Ord. 898 § 16, passed 11-14-2011)

6.12.150 HEARING BY CITY COUNCIL ON REPORT OF COSTS OF ABATEMENT BY CITY.

A. The City Council shall set the report of the costs of abatement by the City for hearing to determine the correctness and/or reasonableness of the costs.

B. A copy of the report of costs of abatement by the City and notice of the hearing shall be served on the Responsible Party (and Owner if different than Responsible Party) at least ten (10) days prior to the date of the City Council hearing. Service shall be as set forth in § 6.12.090. Proof of service shall be made by declaration under penalty of perjury filed with the City Clerk.

C. At the time and place fixed for receiving and considering the report, the City Council shall receive and consider the report of the costs of abatement, together with any objections or protests. The City Council may accept, revise, correct, or modify the report. The decision of the City Council on all protests and objections shall be final and conclusive. At the conclusion of the hearing, the City Council shall, by resolution, confirm the report as accepted, revised, corrected, or modified.

(Ord. 840, § 1, passed -- 2003)

6.12.160 SPECIAL ASSESSMENT OR NUISANCE ABATEMENT LIEN ON PROPERTY FOR COSTS OF ABATEMENT BY THE CITY.

A. The costs of abatement by the City as confirmed by the City Council may be levied as a nuisance abatement lien against the subject property pursuant to Cal. Government Code § 38773.1.

1. Prior to recordation, notice shall be provided to Owner. Service of the notice shall be in the same manner as a summons in a civil action pursuant to Cal. Code of Civil Procedure §§ 415.10 et seq. 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 publication thereof in a newspaper of general circulation published in Mendocino County pursuant to Cal. Government Code § 6062.

2. The nuisance abatement lien shall be recorded in the Mendocino County Recorder's office and shall have the force, effect and priority of a judgment lien.
3. The nuisance abatement lien shall specify the amount of the lien, the name of the City, the date of the City Council's abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the Owner.
4. The nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment.
5. The City may recover from the Owner any costs incurred regarding the processing and recording of the lien and providing notice to the Owner as part of its foreclosure action to enforce the lien.

B. Alternatively, the costs of abatement by the City as confirmed by the City Council may be made a special assessment against the subject property pursuant to Cal. Government Code § 38773.5.

1. Prior to making a special assessment, notice shall be provided to the Owner. The notice shall specify that the property may be sold after three (3) years by the Tax Collector for unpaid delinquent assessments. Service of the notice shall be made by certified mail to the Owner. The Tax Collector's power of sale shall not be affected by the failure of the Owner to receive notice.
2. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be collected subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment.
3. If the property to which the cost of abatement 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.
4. The City may, subject to the requirements applicable to the sale of property pursuant to Cal. Revenue and Taxation Code § 3691, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.
5. Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

(Ord. 840, § 1, passed -- 2003)

6.12.170 ABATEMENT OF CERTAIN VEHICLES.

Pursuant to Cal. Vehicle Code § 22660, procedures to remove abandoned, wrecked, dismantled, or inoperable vehicles or parts thereof, as public nuisance are found in Chapter 10.44 of the Fort Bragg Municipal Code.

(Ord. 840, § 1, passed -- 2003)

6.12.180 ALTERNATIVE REMEDIES.

In addition to any other remedies provided in this Chapter 6.12, the City may apply any of the remedies described in Chapter 1.12 of this Code to any Responsible Party who is found to have caused, permitted or contributed to a nuisance condition as described in this chapter, or who has otherwise violated any of the provisions of this chapter.

Nothing in this chapter shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable civil or penal code provisions as an alternative to the proceeding set forth in this chapter.

(Ord. 840, § 1, passed -- 2003; Am. Ord. 898 § 17, passed 11-14-2011)