

MEETING DATE: **09.23.13**

AGENDA ITEM: Adoption Of An Ordinance Amending Chapter 9.04 (“Nuisances”) of the Culver City Municipal Code To Enhance Property Maintenance Standards and to Update the Procedures for the Administrative Abatement of Public Nuisances and Collection of Costs; Amending Chapter 1.01 of Title 1 to Relocate the Definition of the Composition of the Municipal Code Appeals Committee from Chapter 9.04; and, Adding Chapter 9.13 Establishing Regulations for the Maintenance and Security of Vacant and/or Undeveloped Properties

ATTACHMENTS

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ORDINANCE NO. 2013-

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, AMENDING CHAPTER 9.04 ("NUISANCES") OF THE CULVER CITY MUNICIPAL CODE TO ENHANCE PROPERTY MAINTENANCE STANDARDS AND TO UPDATE THE PROCEDURES FOR THE ADMINISTRATIVE ABATEMENT OF PUBLIC NUISANCES AND COLLECTION OF COSTS; AMENDING CHAPTER 1.01 OF TITLE 1 TO RELOCATE THE DEFINITION OF THE COMPOSITION OF THE MUNICIPAL CODE APPEALS COMMITTEE FROM CHAPTER 9.04; AND, ADDING CHAPTER 9.13 ESTABLISHING REGULATIONS FOR THE MAINTENANCE AND SECURITY OF VACANT AND/OR UNDEVELOPED PROPERTIES.

WHEREAS, Section VII of Article XI of the California Constitution provides that a City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, California Government Code sections 38771 and 38772, respectively, provide that legislative bodies of Cities may declare what constitutes a nuisance and provide for the summary abatement of any nuisance.

WHEREAS, the City Council finds that nuisance conditions are offensive and/or annoying to the senses, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, and/or welfare of the general public.

WHEREAS, it is the City Council's desire to promote and sustain a high quality of life within the City and to protect the health, safety, and welfare of the City's residents, business community, and guests by developing and utilizing regulations that promote the sound maintenance of property and that enhance the appearance, habitability, occupancy, use, and safety of all structures and premises in the City.

1 **WHEREAS**, the City wishes to modify property maintenance standards to
2 improve definitions of public nuisances and conditions that are detrimental to property
3 values, community appearance, and public safety, health, and welfare; and

4 **WHEREAS**, the City wishes to update its procedures for administrative due
5 process abatement of public nuisances without the use of the courts, and to provide for
6 cost recovery, while leaving other administrative, civil, and criminal penalty options
7 open.

8 **WHEREAS**, it is the policy of Enforcement Services to work with
9 responsible persons to gain voluntary compliance when achievable, prior to imposing
10 penalties or utilizing other enforcement remedies;

11 **WHEREAS**, the City Council wishes to responsibly defray the costs
12 associated with the investigation and enforcement of applicable laws, and the
13 abatement of substandard, hazardous, and/or other nuisance conditions by adopting
14 and utilizing administrative procedures to collect fees, costs or charges as authorized
15 by State statutes or as otherwise allowed pursuant to the City's police powers.

16 **WHEREAS**, California Health and Safety Code Section 17951(a)
17 authorizes the City to prescribe fees to defray its costs of enforcement of State Housing
18 Law regulations that relate to apartment houses, hotels, motels, and dwellings, and
19 buildings and structures accessory thereto, as well as with regard to the premises they
20 are located on.

21 **WHEREAS**, California Government Code Section 54988(a)(1) authorizes
22 the City to collect fees, costs or charges for all types of structures and premises with
23 regard to: (i) correction of violations of the Code that would also be violations of
24 California Civil Code section 1941.1 (with regard to untenable dwellings); (ii)
25 enforcement of zoning ordinances adopted pursuant to Chapter 4 (commencing with
26 Section 65800) of Division 1 of Title 7 of the Government Code or any other
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1 constitutional or statutory authority (iii) inspections and abatement of violations of Article
2 1 (commencing with Section 13100) of Chapter 1 of Part 2 of Division 12 of the Health
3 and Safety Code and regulations or ordinances adopted pursuant to that article; (iv)
4 inspections and abatement of violations of the State Housing Law and regulations or
5 ordinances adopted pursuant to that part; (v) inspections and abatement of violations of
6 the California Building Standards Code (Title 24 of the California Code of Regulations);
7 and (vi) inspections and abatement related to local ordinances and regulations that
8 implement any of the foregoing.

9 **WHEREAS**, several State statutes, including, but not limited to California
10 Government Code Sections 38773.1, 38773.2, 38773.5, 38773.6, and 54988, either
11 explicitly or impliedly authorize local jurisdictions to enact procedures by ordinance to
12 collect fees, costs, and penalties either by means of a lien or a special assessment.

13
14 Therefore, the City Council of the Culver City, California, DOES HEREBY
15 ORDAIN as follows:

16 **SECTION 1:** Sections 9.04.005 through 9.04.075, inclusive, of
17 Chapter 9.04 of Title 9 of the Culver City Municipal Code [entitled “Nuisances: General
18 Provisions”] are hereby repealed and deleted in their entirety.

19 **SECTION 2:** Subchapter 9.04.400 et seq. (Sections 9.04.400
20 through 9.04.475, inclusive) of Chapter 9.04 of Title 9 of the Culver City Municipal
21 Code [entitled “Nuisances: “Property Maintenance”] is hereby repealed and deleted in
22 its entirety and reserved.

23 **SECTION 3:** Subchapter 9.04.600 et seq. (Sections 9.04.600
24 through 9.04.610, inclusive) of Chapter 9.04 of Title 9 of the Culver City Municipal
25 Code [entitled “Nuisances: Administrative Charges”] is hereby deleted in its entirety
26 and reserved.

SECTION 4: Sections 9.04.005 through 9.04.150, inclusive are hereby added to Chapter 9.04 of Title 9 of the Culver City Municipal Code, as follows:

PART 1 - NUISANCES ENUMERATED

§ 9.04.005 Purpose and Intent.

§ 9.04.010 Definitions.

§ 9.04.015. Prohibited Public Nuisance Conditions on Real Property.

§ 9.04.020 Nuisance Prohibited; Penalty.

PART 2 - ADMINISTRATIVE PROCEDURES FOR ABATEMENT OF NUISANCES

§9.04.030 Abatement Of Public Nuisances

§9.04.035 Continuing Obligation Of Responsible Persons To Abate A Public Nuisance.

§9.04.040. Notice Of Public Nuisance And Intention To Abate With City Personnel.

§9.04.045 Additional Requirements For Demolition Of Buildings Or Structures

§9.04.050 Notice And Order To Vacate Buildings Or Structures

§9.04.055 Sample Notice Of Abatement

§9.04.060 Service Of Notice

§9.04.065 Right Of Appeal From A Notice Of Abatement

§9.04.070. Consequence For An Untimely Appeal

§9.04.075 Abatement By Responsible Person Prior To Hearing

§9.04.080 Review By Hearing Officer

§9.04.085 Decision Of Hearing Officer; Order Of Abatement

§9.04.095 Emergency Action To Abate An Imminent Hazard

§9.04.105 Establishment Of Costs Of Abatement

§9.04.110 Collection Of Abatement Costs By Special Assessment

1 **§9.04.115 Collection Of Costs Of Abatement By Nuisance Abatement Lien**

2 **§9.04.120 Restitution Of Abatement Costs In Judicial Proceedings**

3 **§9.04.125 Treble The Costs Of Abatement**

4 **§9.04.130 Violations And Penalties**

5
6 **PART 3 - RECORDATION, ENFORCEMENT FEES AND ATTORNEY'S FEES**

7 **§9.04.135. Recordation Of Declaration Of Substandard Property**

8 **§9.04.140. Code Enforcement Fees**

9 **§9.04.145. Recovery Of Attorney's Fees**

10 **§9.04.150. Applicability Of Other Laws**

11
12 **Part 1 - Nuisances Enumerated**

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14 **§ 9.04.005 PURPOSE AND INTENT.**

15 A. **Purpose and Intent.** The purpose and intent of this Chapter are as
16 follows:

17 1. To define as public nuisances and violations those conditions and
18 uses of land that are offensive or annoying to the senses, detrimental to property values
19 and community appearance, an obstruction or interference with the comfortable
20 enjoyment of adjacent properties or premises (both public and private), and/or are
21 hazardous or injurious to the health, safety, or welfare of the general public.

22 2. To develop regulations that will promote the sound maintenance of
23 property and enhance of conditions of appearance, habitability, occupancy, use and
24 safety of all structures and premises in all areas of the City.
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1 3. To establish administrative procedures for the City's use, upon its
2 election, to correct or abate violations of this Chapter on real property throughout the
3 City.

4 4. This Chapter is not intended to be applied, construed or given
5 effect in a manner that imposes upon the City, or upon any officer or employee
6 thereof, any duty towards persons or property within the City or outside of the City
7 that creates a basis for civil liability for damages, except as otherwise imposed by
8 law.

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10 **§ 9.04.010 DEFINITIONS.**

11 As used in this Chapter, the following definitions shall apply. For purposes of
12 this Chapter, these definitions shall supersede any other definitions of the same terms
13 elsewhere in this Code.

14 A. "Abandoned structure" shall mean real property, or any building or
15 structure thereon, that is vacant and is maintained in an uninhabitable condition or a
16 condition of disrepair or deterioration as evidenced by the existence of public nuisances
17 therein, or that is vacant and under a current notice of default and/or notice of trustee's
18 sale, pending tax assessor's lien sale, or that is vacant and has been the subject of a
19 foreclosure sale where title was retained by the beneficiary of a deed of trust involved
20 in the foreclosure. Factors that may also be considered in a determination of an
21 abandoned structure include, without limitation: present operability and functional
22 utility; the presence of non-functional, broken or missing doors or windows, such that
23 entry therein by unauthorized persons is not deterred; the existence of real property tax
24 delinquencies for the land upon which the structure is located; age and degree of
25 obsolescence of the structure, and the cost of rehabilitation or repair versus its market
26 value.

B. "Abandoned personal property" shall mean and refers to any item, object, thing, material or substance that, by its condition of damage, deterioration, disrepair, nonuse, obsolescence or location on public real property or on private real property, causes a reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto, or that the object, thing, material or substance cannot be used for its intended or designed purpose. Abandoned personal property may include junk and vehicles.

C. "Abatement costs" shall mean all costs, fees, and expenses, incidental or otherwise, incurred by the City in investigating and abating a public nuisance.

D. "Attractive nuisance" shall mean any condition, device, equipment, instrument, item or machine that is unsafe, unprotected and may prove detrimental to minors whether in a structure or in outdoor areas of developed or undeveloped real property. This includes, without limitation, any abandoned or open and accessible wells, shafts, basements or excavations; any abandoned refrigerators and abandoned or inoperable motor vehicles; any structurally unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors. An attractive nuisance shall also include pools, standing water or excavations containing water, that are unfenced or otherwise lack an adequate barrier thereby creating a risk of drowning, or which are hazardous or unsafe due to the existence of any condition rendering such water to be clouded, unclear or injurious to health due to, without limitation, any of the following: bacterial growth, infectious or toxic agents, algae, insect remains, animal remains, rubbish, refuse, debris, or waste of any kind.

E. "Building" shall mean any structure designed, used, or maintained for the shelter or enclosure of persons, animals, chattels, equipment, or property of any

1 kind, and shall also include structures wherein things may be grown, made, produced,
2 kept, handled, stored, or disposed of, and all appendages, accessories, apparatus,
3 appliances, and equipment installed as a part thereof.

4 F. "City" shall mean the City of Culver City.

5 G. "City Manager" shall mean the City Manager or his or her duly
6 authorized representative(s) or designee(s).

7 H. "City Personnel" shall mean any City employee, representative,
8 agent or contractor designated by the City Manager.

9 I. "Code," "Codes," and "Culver City Municipal Code" shall mean the
10 City of Culver City Municipal Code and any code, law, or regulation incorporated therein
11 by reference and any adopted and uncodified ordinances.

12 J. "Code Enforcement Fees" shall mean fees imposed by the city to
13 defray its costs of code enforcement actions, pursuant to California Government Code
14 Section 54988 and California Health and Safety Code Section 17951 (and any successor
15 statutes thereto), the Culver City Building Code, and any other applicable local, State, or
16 Federal law, as well as by the City's police powers as authorized by the California
17 Constitution, including, but not limited to, the time and other resources of public officials
18 and city consultants expended by them in identifying, inspecting, investigating, seeking or
19 causing the abatement of a violation at a real property. Examples of code enforcement
20 actions include, but are not limited to, site inspections, drafting reports, taking photographs,
21 procuring other evidence, engaging in meetings with other officials of the city or other
22 agencies, engaging in conferences and communications with responsible persons, their
23 agents or representatives, concerning a violation, as well as with attorneys for the city at
24 any time, and appearances before judicial officers or reviewing authorities during the
25 commencement or pendency of a judicial or administrative hearing. The time and
26 resources that public officials and city consultants further expend to confirm that a real
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1 property remains free of a violation while a responsible person is on probation to a court or
2 when a matter concerning a property remains pending before a reviewing authority in an
3 administrative action, shall also constitute code enforcement actions.

4 K. "Code Enforcement Officer" shall mean any individual employed by
5 the City with primary enforcement authority for City Codes, or his or her duly authorized
6 representative(s).

7 L. "Commercial vehicle" shall mean any vehicle of a type required to
8 be registered under the State of California Vehicle Code used or maintained for the
9 transportation of persons for hire, compensation or profit, or designed, used, or
10 maintained primarily for the transportation of property or for other commercial purposes.
11 Passenger vehicles that are not used for the transportation of persons for hire,
12 compensation, or profit, house cars (motor homes), and vanpool vehicles are not
13 commercial vehicles

14 M. "Compliance period" shall mean the period of time and/or required
15 schedule for the abatement of any violation as set forth in any warning, notice, citation,
16 or other communication from the City, including, but not limited to, a Notice of
17 Abatement and/or an Order of Abatement.

18 N. "Controlled Substances" shall mean any substance that is declared
19 by State or Federal law to be a controlled substance.

20 O. "Fire Hazard" shall include, but shall not be limited to, any device,
21 equipment, waste, vegetation, condition, thing, or act which is in such a condition that it
22 increases or could cause an increase of the hazard or menace of fire to a greater
23 degree than that customarily recognized as normal by persons in the public service
24 regularly engaged in preventing, suppressing, or extinguishing fire or that otherwise
25 provides a ready fuel to augment the spread and intensity of fire or explosion arising
26 from any cause; or any device, equipment, waste, vegetation, condition, thing, or act
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1 which could obstruct, delay, hinder, or interfere with, or may become the cause of
2 obstruction, delay, or hindrance of, the operations of the Fire Department or other
3 emergency service personnel or the egress of the occupants in the event of fire.

4 P. "Graffiti" shall mean any unauthorized inscription, word, figure,
5 mark, or design that is written, marked, etched, scratched, drawn, or painted on or
6 otherwise glued, posted, or affixed to or on any public or private real or personal
7 property (including, but not limited to, buildings, structures, and vehicles), regardless of
8 the nature of the material to the extent that the same was not authorized in advance by
9 the owner thereof. "Graffiti" shall also include any writing, drawing, or inscription
10 defined as "Graffiti" in 9.04.205 of this Chapter or as defined in State law.

11 Q. "Hazardous materials" shall mean any material or substance of any
12 kind that is declared by any Federal, State, or local law, ordinance, or regulation to be
13 composed of hazardous material.

14 R. "Hearing officer" shall mean any city employee or other person
15 appointed by the City Manager to hear all timely appeals as set forth in this Chapter.

16 S. "Incidental expenses" shall include, but shall not be limited to, the
17 actual expenses and costs of the City or incurred by the City, such as preparation of
18 notices, specifications, contracts, inspection of work, costs of printing and mailings
19 required hereunder, costs of any filing and/or recordation with the County Recorder's
20 Office or other governmental agency, and the costs of administration and legal
21 services.

22 T. "Inoperable vehicle" shall mean and include, without limitation, any
23 vehicle that is incapable of being lawfully driven on a highway. Factors that may be
24 used to determine this condition include, without limitation, vehicles that have a
25 "planned non-operational" status with the California Department of Motor Vehicles,
26 vehicles lacking a current registration, a working engine, transmission, wheels, inflated
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1 tires, doors, windshield or any other part or equipment necessary for its legal and safe
2 operation on a highway or any other public right-of-way.

3 U. "Junk" shall mean and include, but is not limited to, any cast-off,
4 damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or
5 wrecked appliance, device, equipment, furniture, fixture, furnishing, object, material,
6 substance, tire, or thing of any kind or composition. Junk may include abandoned
7 personal property, as well as any form of debris, refuse, rubbish, trash or waste.
8 Factors that may be considered in a determination that personal property is junk
9 include, without limitation, its:

- 10 1. Condition of damage, deterioration, disrepair or nonuse.
- 11 2. Approximate age and degree of obsolescence.
- 12 3. Location.
- 13 4. Present operability, functional utility and status of registration
14 or licensing, where applicable.
- 15 5. Cost of rehabilitation or repair versus its market value.

16 V. "Notice of Abatement" shall mean a Notice of Public Nuisance and
17 Intention to Abate with City Personnel", as described in Section 9.04.040 of this
18 Chapter.

19 W. "Order of Abatement" shall mean an order issued by a Hearing
20 Officer following an appeal of a Notice of Abatement.

21 X. "Owner" shall mean and include any person having legal title to, or
22 who leases, rents, occupies or has charge, control or possession of, any real property in
23 the City, including all persons shown as owners on the last equalized assessment roll of
24 the Los Angeles County Assessor's Office. Owners include persons with powers of
25 attorney, executors of estates, trustees, or who are court appointed administrators,
26 conservators, guardians or receivers. An owner of personal property shall be any
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1 person who has legal title, charge, control, or possession of such property.

2 Y. "Person" shall mean and include any individual, partnership of any
3 kind, corporation, limited liability company, association, joint venture or other
4 organization, however formed, as well as trustees, heirs, executors, administrators, or
5 assigns, or any combination of such persons. "Person" also includes any public entity or
6 agency that acts as an owner in the City.

7 Z. "Personal property" shall mean property that is not real property,
8 and includes, without limitation, any appliance, article, device, equipment, item, material,
9 product, substance or vehicle.

10 AA. "Plant material" shall mean trees, shrubs, vines, ground cover, turf
11 or any other ornamental live plants, or as otherwise defined in the Culver City Zoning
12 Code.

13 BB. "Public nuisance" means anything which is, or likely to become,
14 injurious or detrimental to health, safety or welfare, or is offensive to the senses, or an
15 obstruction to the free use of property, so as to interfere with the comfortable
16 enjoyment of life or property, or unlawfully obstructs the free passage or use, in the
17 customary manner, of any sidewalk, public park, square, plaza, street or highway. All
18 conditions hereafter enumerated in this Chapter, or that otherwise violate or are
19 contrary to any provision of the Culver City Municipal Code, are public nuisances by
20 definition and declaration, and said enumerated conditions shall not, in any manner, be
21 construed to be exclusive or exhaustive. A public nuisance shall also exist when a
22 person fails to comply with any condition of a City approval, entitlement, license or
23 permit or when an activity on, or use of, real property violates, or is contrary to, any
24 provision or requirement of the Culver City Municipal Code.

25 CC. "Real Property" or "premises" means any real property owned by any
26 person and/or any building, structure, or other improvement thereon, or portions
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1 thereof. "Real Property" or "premises" includes any parkway or unimproved public
2 easement abutting or adjacent to such real property, whether or not owned by the City
3 of Culver City.

4 DD. "Responsible person" means any person, whether as an owner as
5 defined in this Chapter, or otherwise, that allows, causes, creates, maintains, suffers,
6 or permits a public nuisance, or any violation of the Culver City Municipal Code or
7 County or State law, or regulation thereof, to exist or continue, by any act or the
8 omission of any act or duty. A responsible person shall also include employees,
9 principals, joint venturers, officers, managers, agents, and/or other persons acting in
10 concert with, or at the direction of, and/or with the knowledge and/or consent of the
11 owner and/or occupant of the lot, building or structure on, or in which, a public
12 nuisance or violation exists or existed. The actions or inactions of a responsible
13 person's agent, employee, representative or contractor may be attributed to that
14 responsible person.

15 EE. "Structure" means that which is built or constructed, an edifice, wall,
16 fence, or building of any kind, or any piece of work artificially built up or composed of
17 parts joined together in some definite manner. For purposes of this Chapter, this
18 definition shall supersede any other definition of this term in the Culver City Municipal
19 Code.

20 FF. "Tarp" means a piece of plastic, canvas or other durable fabric such as
21 denim or polyvinyl typically designed or used for temporary protection of exposed objects
22 or areas from the elements.

23 GG. "Vacant" shall mean real property or any building or structure thereon
24 that is not legally occupied, or as to commercial property, where no lawfully licensed
25 business is conducted on a permanent non-transient basis on the property or in the
26 building or structure thereon. Factors that may be used to determine whether real
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1 property, or building or structures thereon, is vacant include, but shall not be limited to,
2 the lack of a valid Culver City business tax certificate; or, the presence of overgrown
3 and/or dead vegetation; an accumulation of newspapers, circulars, flyers, and/or mail;
4 past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or
5 other debris; the absence of window coverings such as curtains, blinds, and/or
6 shutters; the absence of furnishings and/or personal items consistent with residential
7 and/or commercial furnishings consistent with the permitted uses within the zone of the
8 real property; statements by neighbors, passersby, delivery agents, government
9 employees that the property is vacant.

10 HH. "Vehicle" means any device, by which any person or property may be
11 propelled, moved, or drawn upon a highway or other public right-of-way, and includes
12 all vehicles as defined by the California Vehicle Code, and all future amendments
13 thereto. "Vehicle" does not include devices (i) that are propelled exclusively by human
14 power such as bicycles and wheelchairs, or (ii) those that are used exclusively upon
15 stationary rails or tracks.

16 II. "Violation" shall mean and include any prohibited activity, condition, or
17 use on land or in connection with a building or a structure that is caused, allowed to exist,
18 or maintained (whether due to an affirmative act, inaction, or omission) by a responsible
19 person in disregard of, or nonconformity with, any other provision, regulation, prohibition, or
20 requirement of the Culver City Municipal Code, or any applicable county, state, or federal
21 laws or regulations. Any such violation shall also constitute an unlawful public nuisance for
22 each and every day or part thereof, during which it is allowed, committed, continued,
23 maintained or permitted by a responsible person.

24 JJ. "Weeds" shall include, but shall not be limited to, any of the following:

25 1. Any plant, brush, growth, or other vegetation that bear seeds of
26 a downy or wingy nature;

2. Any plant, brush, growth, or other vegetation that attains such large growth as to become, when dry, a fire hazard;
3. Any plant, brush, growth, or other vegetation that is noxious or dangerous;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a threat to the public health; or,
5. Dry grass, rubble, brush, or other flammable plant, growth, or other vegetation that endangers the public safety by creating or tending to create a fire hazard.

KK. "Xeriscape" landscaping means native or indigenous plant material that requires little to no water or maintenance, typically the use of mulch, and no or limited drip/subsurface irrigation.

§ 9.04.015. PROHIBITED PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY.

The City Council finds and declares that it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to maintain the following:

A. Any real property or properties in the City in such a manner that any one or more of the following conditions are found to exist thereon:

1. Land, the topography, geology or configuration of which whether in natural state or as a result of the grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties.
2. Buildings or other structures, or portions thereof, that are partially constructed or destroyed or allowed to remain in a state of partial construction or destruction for an unreasonable period of time. As used herein, an "unreasonable"

1 period shall mean any portion of time exceeding the period given to a responsible
2 person by the City for the complete abatement of a nuisance condition with all required
3 City approvals, permits and inspections. Factors that may be used by the City to
4 establish a reasonable period for the complete abatement of this nuisance include, but
5 are not limited to, the following:

6 (a) The degree of partial construction or destruction and the
7 cause therefor.

8 (b) Whether or not this condition constitutes an attractive
9 nuisance or if it otherwise poses or promotes a health or safety hazard to occupants of
10 the premises, or to others.

11 (c) The degree of visibility, if any, of this condition from public or
12 adjoining private real property.

13 (d) The scope and type of work that is needed to abate this
14 nuisance in a manner that conforms to the City's Building Code.

15 (e) The promptness with which a responsible person has
16 applied for and obtained all required City approvals and permits in order to lawfully
17 commence the nuisance abatement actions.

18 (f) Whether or not a responsible person has complied with
19 other required technical code requirements, including requesting and passing required
20 inspections in a timely manner, while completing nuisance abatement actions.

21 (g) Whether or not a responsible person has applied for
22 extensions to a technical code permit or renewed an expired permit, as well as the
23 number of extensions and renewals that a responsible person has previously sought or
24 obtained from the City.

1 (h) Whether or not a responsible person has made substantial
2 progress, as determined by the City, in performing nuisance abatement actions under a
3 technical code permit that has expired, or is about to expire.

4 (i) Whether delays in completing nuisance abatement actions
5 under a technical code permit have occurred, and the reason(s) for such delays.

6 3. Real property, or any building or structure thereon, that is
7 abandoned, uninhabited, or vacant (irrespective of whether said structure is secured
8 against unauthorized entry) for a period of more than six (6) months.

9 4. Exterior portions of buildings or structures (including, but not limited
10 to, roofs, balconies, decks, fences, stairs, stairways, walls, signs and fixtures), as well
11 as sidewalks, walkways, pedestrian ways, driveways, parking areas, and any detached
12 or freestanding structure, that have become defective, unsightly, or are no longer
13 viable; or are maintained in a condition of dilapidation, deterioration or disrepair to such
14 an extent as to result in, or tend to result in, a diminution in property values, or where
15 such condition creates a hazard to persons using said building, structure, or way, or
16 where such condition interferes with the peaceful use, possession and/or enjoyment of
17 adjacent properties, or where such condition otherwise violates, or is contrary to, the
18 Culver City Municipal Code, or other applicable law.

19 5. Failure to provide and maintain adequate weather protection to
20 structures or buildings, in such a manner that results in or tends to result in the
21 existence of cracked, peeling, warped, rotted, or severely damaged paint, stucco or
22 other exterior covering.

23 6. Broken, defective, damaged, dilapidated, or missing windows,
24 doors, or vents in a building or structure, and/or broken, defective, damaged,
25 dilapidated, or missing screens for windows, doors, or crawl spaces in a building or
26 structure.

1 7. Windows or doors that remain boarded up or sealed after ten (10)
2 calendar days written City notice to a responsible person requesting the removal of
3 these coverings and the installation of fully functional or operable windows or doors.
4 City actions to board up or seal windows or doors in order to deter unauthorized entry
5 into structures shall not relieve responsible persons from installing fully functional or
6 operational windows or doors.

7 8. Obstructions of any kind, cause or form that interfere with required
8 natural or mechanical light, heat, or ventilation for a building or structure, or that
9 interfere with, hinder, delay, or impede ingress therein and/or egress therefrom.

10 9. Abandoned personal property that is visible from public or private
11 property.

12 10. Any form of an attractive nuisance.

13 11. Interior portions of buildings or structures (including, but not limited
14 to attics, ceilings, walls, floors, basements, mezzanines, and common areas) that have
15 become defective, unsightly, or are maintained in a condition of dilapidation,
16 deterioration or disrepair, or where such condition interferes with the peaceful use,
17 possession and/or enjoyment of occupants or properties in the vicinity, or where such
18 condition otherwise violates, or is contrary to, the Culver City Municipal Code or other
19 applicable law.

20 12. Items of junk, trash, debris, or other personal property that are
21 kept, placed, or stored inside of a structure or on exterior portions of real property that
22 constitute a fire or safety hazard or a violation of any provision of the Culver City
23 Municipal Code; or items of junk, trash, debris, or other personal property that are
24 visible from public or private real property; or that are otherwise out of conformity with
25 neighboring community standards to such an extent as to result in, or tend to result in, a
26 diminution in property values.

1 13. The keeping or disposing of, or the scattering or accumulating of
2 flammable, combustible or other materials including, but not limited to, composting,
3 firewood, lumber, junk, trash, debris, packing boxes, pallets, plant cuttings, tree
4 trimmings or wood chips, discarded items, or other personal property on exterior
5 portions of real property, or within any building or structure thereon, when such items or
6 accumulations:

7 (a) Render premises unsanitary or substandard as defined by
8 the California Health & Safety Code, the Culver City Building Code, or other applicable
9 local, State, or Federal law, rule, or regulation;

10 (b) Violate the Culver City Health Code;

11 (c) Cause, create, or tend to contribute to, a fire or safety
12 hazard;

13 (d) Harbor, promote, or tend to contribute to, the presence of
14 rats, vermin and/or insects;

15 (e) Cause, create, or tend to contribute to, an offensive odor;

16 (f) Are visible from the public right-of-way;

17 (g) Cause the premises to be out of conformity with neighboring
18 community standards to such an extent as to result in, or tend to result in, a diminution
19 of property values. Provided, however, that this use of land or condition shall not
20 constitute a nuisance when expressly permitted under the applicable zone classification
21 and the premises are in full compliance with all provisions of the Culver City Zoning
22 Code, and all other applicable provisions of the Culver City Municipal Code and any
23 future amendments and additions thereto, as well as applicable County, State, and/or
24 Federal laws and regulations.

25 14. Unsanitary, polluted or unhealthful pools, ponds, standing water or
26 excavations containing water that constitute an attractive nuisance or that are otherwise
27

likely to harbor mosquitoes, insects or other vectors. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or, bodies of water which are abandoned, neglected, unfiltered or otherwise improperly maintained.

15. Holiday lights, decorations, or displays that are erected, installed, displayed, or maintained on exterior portions of real property more than thirty (30) calendar days before a Federal, State, or religious holiday and/or more than fifteen (15) calendar days after a Federal, State, or religious holiday.

16. The hanging, drying, or airing of clothing or household fabrics on fences, trees, or shrubberies, or the existence of clotheslines, in front yard areas of any real property, or in any yard area that is visible from a public right-of-way.

17. Canopies, tents, tarps, or other similar membrane structures located in the front yard of any real property or on any other exterior portion of real property that is visible from the public right-of-way, unless otherwise authorized pursuant to a permit or other entitlement from the City.

18. Overgrown vegetation including, but not limited to, any one of the following:

(a) Plant material likely to harbor, or promote the presence of, rats, vermin and/or insects.

(b) Plant material causing detriment to neighboring properties, or that is out of conformity with neighboring community standards to such an extent as to result in, or contribute to, a diminution of property values, including, but not limited to:

(1) Lawns with grass in excess of six inches (6") in height.

(i) Xeriscape landscaping and drought tolerant materials are encouraged as an acceptable landscape feature and are not subject to the six inch (6") limitation set forth herein, however, xeriscape landscaping must be maintained as indicated in Subsection 9.04.015(A)(18)(b)(2), hereinbelow.

(2) Plant material that is not maintained in a neat, orderly, and healthy manner for that particular species, as a result of lack of adequate mowing, grooming, trimming, pruning, weeding, fertilizing, watering, and/or replacement.

(c) Plant material that creates, or tends to create, the existence of a fire hazard.

(d) Plant material that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property.

(e) Tree branches within three feet (3') of the rooftop of a structure so as to facilitate rodent or animal access thereto.

19. Dead, decayed, diseased or hazardous trees, weeds, ground cover, and other vegetation, or the absence of healthful vegetation, that causes, contributes to, or tends to cause or contribute to, any one of the following conditions or consequences:

- (a) An attractive nuisance;
- (b) A fire hazard;
- (c) The creation or promotion of dust or soil erosion;
- (d) A diminution in property values; or,
- (e) A detriment to public health, safety or welfare.

20. Lack of landscaping or other approved ground cover in any yard area as required by the Culver City Zoning Code or other provisions of the City's municipal code, or so as to promote or cause dust or soil erosion.

21. Garbage containers, yard waste containers, and recycling containers that are kept, placed or stored in driveways or parking areas when less than twenty feet from the front or side property line, or, kept, placed, or stored in front of the building line on the property when the building line is less than twenty feet from the front property line, except when placed in places of collection at times permitted and in full compliance with this Code.

22. Recreational vehicles that are parked or stored on any real property for use as temporary or permanent living space, unless authorized pursuant to any City permit or entitlement or as otherwise authorized by law.

23. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked or stored in violation of any provision of the Culver City Zoning Code.

24. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked, or stored on any unpaved surface, or on any paved surface that does not have continuously paved access to an adjacent street, alley, highway, or other public right-of-way for vehicular travel.

25. Parking spaces required by the Culver City Municipal Code, including the Culver City Zoning Code, that are not maintained in such a manner that said spaces are continuously free, accessible, and available for vehicle parking without the movement of real or personal property.

26. Abandoned, dismantled, inoperable or wrecked boats, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.

1 27. Vehicles, construction equipment, or other machinery exceeding
2 the permissible gross vehicle weight for the streets or public property upon which they
3 are located. A nuisance also exists under this provision when a vehicle, construction
4 equipment, or other machinery is stopped, kept, placed, parked, or stored on private
5 real property and when such vehicle, equipment, or machinery exceeds the permissible
6 gross vehicle weight for the streets or public property that were utilized in its placement
7 on said private real property unless pursuant to a valid permit issued by the City.

8 28. Any equipment, machinery, or vehicle of any type or description
9 that is designed, used, or maintained for construction-type activities that is kept, parked,
10 placed, or stored on public or private real property except when such item is being used
11 during excavation, construction, or demolition operations at the site and/or where said
12 equipment, machinery, or vehicle is located pursuant to an active permit or license
13 issued by the City.

14 29. Maintenance of signs, or sign structures, on real property relating to
15 uses no longer lawfully conducted or products no longer lawfully sold thereon, or signs
16 and their structures that are in disrepair or which are otherwise in violation of, or
17 contrary to, the Culver City Zoning Code.

18 30. Specialty structures that have been constructed for a specific single
19 use only, and which are unfeasible to convert to other uses, and which are abandoned,
20 partially destroyed or are permitted to remain in a state of partial destruction or
21 disrepair. Such specialty structures include, but are not limited to, the following: tanks
22 for gas or liquid(s), lateral support structures and bulk-heads, utility high-voltage towers
23 and poles, utility high-rise support structures, electronic transmitting antennas and
24 towers, structures which support or house mechanical and utility equipment and are
25 located above the roof lines of existing buildings, high rise freestanding chimneys and
26 smoke stacks, and recreational structures such as tennis courts and cabanas.

1 31. Any personal property or structure that obstructs or encroaches on,
2 across, or over any public property, including, but not limited to, any public alley,
3 highway, land, sidewalk, street or other right-of-way, unless a valid encroachment
4 permit has been issued authorizing said encroachment or obstruction.

5 32. Any personal property, vegetation, and/or structure that encroaches
6 on, across, or over any public alley, highway, land, sidewalk, street or other right-of-
7 way, or that is otherwise situated on private property, in such a manner that inhibits,
8 prevents, or interferes with vehicular or pedestrian access or use of said right-of-way, or
9 that otherwise endangers vehicles or persons in the immediate area of said right-of-
10 way.

11 33. Causing, maintaining or permitting graffiti or other defacement of
12 real or personal property to be present or to remain on a building, structure or vehicle,
13 or portion thereof, that is visible from a public right-of-way or from private real property.

14 34. Storage of hazardous or toxic materials or substances, as so
15 classified by any local, State or Federal laws or regulations, on real property in such a
16 manner as to be injurious, or potentially injurious or hazardous, to the public health,
17 safety or welfare, or to adjacent properties, or that otherwise violates local, State or
18 Federal laws or regulations.

19 35. Any discharge of any substance or material other than stormwater
20 which enters, or could possibly enter, the City's storm sewer system in violation of the
21 Culver City Municipal Code.

22 36. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar
23 material) or similar covering on or over any graded surface or hillside, except in the
24 following circumstances:

25 (a) A state of emergency has been declared by local, County,
26 State, or Federal officials directly impacting the area to be covered;
27

1 (b) Covering with a tarp performed pursuant to an active
2 building or grading permit; and/or,

3 (c) Tarps installed during the period from December 1 through
4 March 30 of each year, when required due to rain or other weather forecasted within the
5 subsequent seven (7) calendar days that would be likely to damage or erode the
6 graded surface or hillside.

7 37. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar
8 material) or similar covering on or over any roof of any structure, except during periods
9 when rain has been forecasted within the subsequent seven (7) calendar days, or when
10 specifically permitted under an active roofing or building permit.

11 38. Maintenance of any tarpaulin (plastic, vinyl, canvas, or other similar
12 material) or similar covering attached to, affixed to, or located on a fence for purposes
13 of screening or for providing shade;

14 39. The keeping or suffering of any animal, reptile, or insect in a
15 manner that poses a threat, disturbance, or menace to persons or property, or in such a
16 manner or quantity that otherwise violates any provision of the Culver City Municipal
17 Code.

18 40. Maintenance of premises so out of harmony or conformity with the
19 maintenance standards of properties in the vicinity as to cause, or that tends to cause,
20 substantial diminution of the enjoyment, use, or property values of such properties in
21 the vicinity.

22 B. **Pollution.**

23 a. The production of dense smoke, noxious fumes, gas, soot, cinders,
24 or smoke by any commercial or industrial or other organization, through furnaces or
25 other facilities, in such quantities as to be detrimental to the public health or which
26 unnecessarily interferes with the health, comfort, or safety of any person.

b. The pollution of any well, cistern, stream, creek, or other body of water, by sewage, industrial wastes, or other substances detrimental to the public health.

C. Any “unsafe building” or “unsafe structure” as defined by the Culver City Building Code.

D. Any building or structure, or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in Section 17920.3 of the California Health & Safety Code, and any future amendments thereto.

E. Any building or structure used by any person to engage in acts which are prohibited pursuant to the laws of the United States or the State of California, the provisions of the Culver City Municipal Code, or any other ordinance of this City, including, but not limited to the following acts:

1. Unlawful possession, use, and/or sale of controlled substances;
and/or,

2. Prostitution; and/or

3. Unlawful gambling.

F. Any real property, or any building or structure thereon, that is used by persons to cause, allow, contribute to, permit, or suffer any of the following acts:

1. Disturbances of the peace;

2. Excessive and/or loud noise disturbances;

3. Consumption of alcohol in public and/or public intoxication;

4. Urination in public;

5. Harassment of passersby;

6. Theft, assault, battery, or vandalism;

7. Storage or sale of stolen goods;

8. Excessive littering;

9. Illegal parking or traffic violations;
10. Curfew violations;
11. School attendance violations;
12. Lewd and/or lascivious conduct; and/or
13. Excessive responses by the Police Department or other law enforcement personnel.

G. Storage or use of gunpowder, dynamite, fireworks, explosive chemicals, or other explosive materials except in compliance with the terms and conditions of a permit sought from and issued by the City.

H. **Noise Disturbances.**

1. *General.* Any noise that is made, generated, produced, or continued, whether by a person, activity, animal, fowl, automobile, motorcycle, engine, machine, or other mechanical device, whether on public or private property, in such a manner that it unreasonably disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitivities, or that otherwise violates any provision of the Culver City Municipal Code, including the regulations set forth in Chapter 9.07 ("Noise Regulations") and/or the noise limits set forth in the Culver City Zoning Code. Factors which shall be considered in determining whether the noise is a nuisance shall include, but not be limited to the following:

- a) The volume of the noise;
- b) The intensity of the noise;
- c) Whether the nature of the noise is usual or unusual;
- d) Whether the origin of the noise is natural or unnatural;
- e) The volume and intensity of the background noise, if any;
- f) The proximity of the noise to residential sleeping facilities;

- 1 g) The nature of the zoning of the area from which the noise
2 emanates;
3 h) The density of inhabitation of the area from which the noise
4 emanates;
5 i) The time of day or night the noise occurs;
6 j) The duration of the noise;
7 k) Whether the noise is recurrent, intermittent, or constant;
8 l) Whether the noise is produced by commercial or
9 noncommercial activity; and,
10 m) Whether the noise is a consequence or expected result of
11 an otherwise lawful use.

12 2. *Musical instruments, radios, and the like, in residential districts or*
13 *immediately adjacent thereto, between 10:00 p.m. and 8:00 a.m.* The using, operating
14 or permitting to be played, used or operated, of any musical instrument, radio or
15 phonograph or amplifying device, in such manner as to disturb the peace, comfort or
16 repose of the neighboring inhabitants; the conducting or carrying on of band or
17 orchestral concerts or rehearsals or practice wherein any occupied adjoining building is
18 nearer than 200 feet.

19 3. *Loud speakers and amplifying devices in public places — permit*
20 *required.* The playing or operating, or permitting the playing or operating, of any musical
21 instrument, radio or phonograph, or the operation and use of any loud speaker or sound
22 amplifying device, either mobile or stationary, through which device the spoken word, or
23 other sounds, are produced or reproduced in such increased volume as to be clearly
24 audible to a person of normal hearing under normal and ordinary conditions, for a
25 distance of more than 200 feet from the source of such sound, upon the public street,
26 or in any public place, or outside of any doorway of any building facing upon a business
27

1 street in the City, except in compliance with the terms and conditions of a permit sought
2 from and issued by the City.

3 4. *Mechanical noise or construction noise near residential zones.*

4 a. The use or operation of any automobile, motorcycle, engine,
5 machine, or mechanical device, or other contrivance or facility, or the carrying on of any
6 trade or business, causing between the hours of 8:00 p.m. and 8:00 a.m., any loud or
7 unusual noise or sound, disturbing the peace of residents of a residentially zoned
8 neighborhood.

9 b. Any construction or excavation work, except between the
10 hours of 8:00 a.m. and 8:00 p.m. Mondays through Fridays, or between the hours of
11 9:00 a.m. and 7:00 p.m. on Saturdays, or between the hours of 10:00 a.m. and 7:00
12 p.m. on Sundays.

13 5. *Mechanical devices, and the like, interfering with business or*
14 *industrial operations.* The operation of any automobile, motorcycle, engine, machine or
15 mechanical device or other contrivance or facility, or the carrying on of any trade or
16 business, any loud or unusual noise or sound from which interferes with the transaction
17 or conduct of any business or industrial operation in the surrounding area, unless the
18 making of such noise is incident to the construction or repair of buildings or equipment
19 or is otherwise necessary to the protection or preservation of the property from which
20 such noise or sound emanates.

21 6. *Vulgar or obscene language through loud speaker.* The uttering
22 through any loud speaker, sound making or sound amplifying device, or otherwise, of
23 any obscene, vulgar, profane or indecent language, or uttering language intending to, or
24 which would reasonably be expected to, incite riot, destruction or damage to property or
25 injury to any person, or intended to, or which would reasonably be expected to, incite
26 others to do any unlawful act or which utterance would reasonably be expected to
27

1 create a condition which would result in a clear and present danger of the commission
2 of such unlawful acts.

3 J. *Use of leaf blowers.* The use or operation of any leaf blower or other
4 portable machine powered with an internal combustion engine used to blow leaves, dirt,
5 and other debris off sidewalks, driveways, lawns and other surfaces without first having
6 obtained a permit pursuant to this Section issued by the Fire Marshal.

7 1. Each applicant for a leaf blower operator's permit shall be required
8 to demonstrate conformance with the City's guidelines for leaf blower usage and
9 provide evidence of a current business tax certificate. Such guidelines shall be adopted
10 by resolution.

11 2. Notwithstanding the provisions of Section 9.07.050.B of this Code,
12 it shall be unlawful for any person to operate a leaf blower or other machine described
13 in this Section within the City of Culver City, except between the hours 8:00 a.m. and
14 6:00 p.m. Mondays through Fridays and between the hours of 10:00 a.m. and 5:00 p.m.
15 on Saturdays and Sundays.

16 3. The City may revoke a permit issued pursuant to this Section as a
17 result of any violation of Subsection J.2.

18 4. An applicant for a permit who has had a permit revoked or been
19 convicted of or pled guilty or no contest to a criminal charge alleging a violation of this
20 Section within the prior six (6) months shall not be issued a permit.

21 K. The keeping or maintaining of decayed or unwholesome food, sold, or
22 offered for sale to the public.

23 L. Any condition recognized in local or State law or in equity as constituting a
24 public nuisance, or any condition existing on real property that constitutes, or tends to
25 constitute, blight, or that is a health or safety hazard to the community or neighboring
26 properties.

1 M. Any condition, use, or activity that constitutes a public nuisance as defined
2 by Sections 3479 or 3480 of the California Civil Code, and any future amendments
3 thereto.

4 N. Any building, structure, or use of real property that violates or fails to
5 comply with (i) any applicable approval, permit, license, or entitlement or condition
6 relating thereto, (ii) any ordinance of the City, including, but not limited to any provision
7 of this Code, or (iii) any applicable County, State, or Federal law or regulation.
8

9 **§ 9.04.020 NUISANCE PROHIBITED; PENALTY.**

10 A. Notwithstanding any other provision of the Culver City Municipal Code to
11 the contrary, any person who causes, permits, suffers, or maintains a public nuisance,
12 or any person who violates any provision of this Chapter, or who fails to comply with
13 any obligation or requirement of this Chapter, is guilty of a misdemeanor offense
14 punishable in accordance with Chapter 1.01 of Title 1 of this Code. A criminal
15 prosecution and/or civil litigation may be initiated without the commencement of the
16 “Administrative Nuisance Abatement” procedures outlined in Part 2 of this Chapter.

17 B. Nothing in this Chapter shall prevent the City Attorney from prosecuting a
18 violation of this Chapter as an infraction, at his/her discretion, as set forth
19 in § [1.01.035](#).B of this Code.
20

21 C. Nothing in this Chapter shall prevent the City Attorney from bringing a civil
22 action, at his/her discretion, for violations of the provisions of this Chapter, as set forth
23 in § [1.01.050](#) of this Code.

24 D. Nothing in this Chapter shall prevent any City Enforcement Officer from
25 issuing Administrative Citations for violation of the provisions of this Chapter, as set
26 forth in Chapter 1.02 of this Code.
27
28

1 E. Each person shall be guilty of a separate offense for each and every day,
2 or part thereof, during which a violation of this Chapter, or of any law or regulation
3 referenced herein, is allowed, committed, continued, maintained or permitted by such
4 person, and shall be punishable accordingly.

6 **Part 2 - Administrative Procedures For Abatement of Nuisances**

8 **§9.04.030 ABATEMENT OF PUBLIC NUISANCES**

9 All conditions or uses that constitute a public nuisance as defined in this
10 Chapter, or that are contrary to, or in violation of, any other provision or requirement of
11 the Culver City Municipal Code, or of any applicable County or State law, or regulation
12 thereof, which shall also constitute a public nuisance, shall be abated by repair,
13 rehabilitation, demolition, removal or termination. The procedures for abatement in this
14 part shall not be exclusive and shall not, in any manner, limit or restrict the City from
15 pursuing any other remedies available at law, including the use of administrative
16 citations under Chapter 1.02 of this Code, civil actions for penalties and/or equitable
17 relief, or criminal prosecutions, or from enforcing City codes and adopted ordinances,
18 or from abating or causing abatement of public nuisances, in any other manner provided
19 by law.

21 **§9.04.035 CONTINUING OBLIGATION OF RESPONSIBLE PERSONS TO ABATE A** 22 **PUBLIC NUISANCE.**

23 A. Responsible persons shall not allow, cause, create, permit, suffer
24 or maintain a public nuisance to exist on their premises. If public nuisances do arise or
25 occur, responsible persons shall promptly abate them by repair, rehabilitation,
26 demolition, removal or termination with all required City approvals, permits and
27

1 inspections, when applicable.

2 B. The City may exercise its administrative, civil/injunctive and criminal
3 remedies, or any one or combination of these remedies, to compel responsible persons
4 to abate a public nuisance when, in its judgment, such persons have not completed
5 nuisance abatement actions in a timely or proper manner, or when responsible persons
6 have failed to prevent an occurrence or recurrence of a public nuisance.

7
8 **§9.04.040. NOTICE OF PUBLIC NUISANCE AND INTENTION TO ABATE WITH**
9 **CITY PERSONNEL.**

10 A. Whenever the City Manager or his/her designee, Community
11 Development Director, Police Chief, or Fire Chief determines that City employees,
12 representatives or contract agents (hereafter "City Personnel") may need to abate a
13 public nuisance, he or she shall cause to be served a written "Notice of Public
14 Nuisance and Intention to Abate with City Personnel" (hereafter in this section and in
15 subsequent sections of this Chapter, the "Notice of Abatement") on the responsible
16 person(s) that contains the following provisions:

- 17 1. The address of the real property on which the nuisance
18 condition(s) exist(s).
- 19 2. A description of the nuisance condition(s).
- 20 3. A reference to the law describing or prohibiting the nuisance
21 condition(s).
- 22 4. A brief description of the required corrective action(s) and
- 23 5. A compliance period in which to complete the nuisance
24 abatement actions (with all required City approvals, permits and inspections, when
25 applicable).
- 26 6. The period and manner in which a responsible person may
- 27

1 contest the Notice of Abatement as set forth in Section 9.04.065 of this Chapter. No
2 such right shall exist when the City is not seeking to establish the right to abate a
3 public nuisance with City forces or contract agents.

4 7. A statement that the City may record a Notice of
5 Substandard Property with the Los Angeles County Recorder's Office against the
6 premises if the public nuisance is not fully abated or corrected (with all required
7 approvals, permits and inspections), as determined by the City, within a thirty (30) day
8 period after service of the Notice of Abatement and provided that a timely appeal
9 therefrom has not been made.

10 B. The procedure in Subsection A shall not apply to public nuisances
11 constituting an imminent hazard. In such instances, the provisions in Section 9.04.095
12 ("Emergency Action to Abate an Imminent Hazard") shall be followed.

13 C. The City's election to issue a Notice of Abatement pursuant to this
14 section shall not excuse responsible persons from their continuing obligation to abate a
15 public nuisance in accordance with all applicable laws, regulations and legal
16 requirements. Furthermore, the issuance of a Notice of Abatement shall not obligate
17 the City to abate a public nuisance.

18
19 **§9.04.045 ADDITIONAL REQUIREMENTS FOR DEMOLITION OF BUILDINGS OR**
20 **STRUCTURES**

21 A. The City shall provide responsible persons with a reasonable period
22 to elect between options of repair, rehabilitation, or demolition, as well as a reasonable
23 period of time to complete any of these options, before City Personnel abate a public
24 nuisance by demolishing a building or structure pursuant to this Chapter.

25 B. The City shall serve a Notice of Abatement on all secured
26 lienholders of record with the Los Angeles County Recorder's Office in the event
27

1 abatement actions include demolition of a building or structure.

2 C. Notwithstanding the provisions of Section 9.04.070.A of this
3 Chapter, entry onto any real property to abate a public nuisance by demolition of a
4 building or structure, excepting in cases involving an imminent hazard, shall be pursuant
5 to a warrant or other order issued by a court of competent jurisdiction.

6 D. The provisions of this section of this Code shall not apply if
7 demolition is required to address an imminent hazard. In such situation, the provisions
8 of Section 9.04.095 ("Emergency Action to Abate an Imminent Hazard") shall apply.
9

10 **§9.04.050 Notice and Order to Vacate Buildings or Structures**

11 A. If the Building Official, Fire Chief, and/or Health Official (or designees
12 thereof) determine that a public nuisance exists at real property (or any buildings or
13 structures thereon) to such an extent that said property (or any building or structure
14 thereon) is immediately dangerous to the life, limb, property, or safety of the occupants
15 of the property or the general public, the building or structure shall be ordered to be
16 vacated.

17 B. If any building or structure is ordered vacated pursuant to Section
18 9.04.050.A, the Notice of Abatement issued pursuant to Section 9.04.040, in addition to
19 the information required pursuant to Section 9.04.040, shall include:

20 1. A determination that the Building Official, Fire Chief, and/or Health
21 Official (or designees thereof) has determined that the property (and/or any building or
22 structure thereon) constitutes an immediate danger to the life, limb, property, or safety
23 of the occupants of the property or the general public;

24 2. A reference to the specific building(s) and/or structure(s) which
25 is/are being ordered vacated;
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27
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3. The date and/or time when the Order to Vacate becomes effective;
and,

4. Language that substantially states that "No person shall remain in or enter any building or structure that has been ordered vacated until authorized to do so by the Building Official, Fire Chief, and/or Health Official (or designee thereof). No person shall remove, alter, or deface this Notice after it has been posted at the property referenced herein until all required repairs, demolition, or removal have been completed in accordance with this Notice and until such time as the removal of this Notice has been authorized by the Building Official, Fire Chief, and/or Health Official (or designee thereof). Any person violating this Order to Vacate shall be guilty of a misdemeanor."

§9.04.055 SAMPLE NOTICE OF ABATEMENT

A. The Notice of Abatement shall be written in a form that is substantially consistent with the following:

Notice of Public Nuisance(s) and Intention to Abate with City Personnel ("Notice of Abatement")

[Date]

_____ **[Responsible Person(s)]**

_____ **[Mailing Address]**

_____ **[City, State and Zip Code]**

Re: Real Property a _____, **CA**

L.A. County A.P.N.: _____

Legal description *[Optional]*: _____

Notice is hereby **given** that the following public nuisance conditions or activities exist on the premises described above:

(1) [Describe condition or activities] _____

_____ in violation of Culver City Municipal Code [as
well as County and State laws, if applicable] Section(s)_____

(a) Required Corrective Action(s):

(with all required permits, approvals and inspections).

(b) Required Completion Date:_____

_____***[Repeat (1 a-b) for each additional public nuisance to be included in
this notice]***

The foregoing public nuisance conditions are subject to abatement by
repair, rehabilitation, demolition, removal or termination.

Please Take Further Notice that you may appeal this Notice of Abatement
by filing an appeal on a City approved form with the City Clerk's office (located at 9770
Culver Boulevard, Culver City, CA) within fifteen (15) calendar days of service of this
notice. No fee shall be due for the filing of an appeal. Failure of the City Clerk to
receive a timely appeal constitutes a waiver of your right to any further administrative
appeal and renders the Notice of Abatement final and binding. A written request for an
appeal shall contain the following information:

1. Name, address, and telephone number of each responsible
party who is appealing the Notice of Abatement (hereinafter, "appellant"), as well as
relationship of appellant to the public nuisance described in the Notice of Abatement.

2. Address and description of real property upon which the City
intends to enter and abate a public nuisance.

3. Date of Notice of Abatement being appealed.

4. Specific action or decision being appealed.

5. Grounds for appeal in sufficient detail to enable the Hearing
Officer to understand the nature of the controversy.

1 6. The signature of at least one appellant.

2 Following appeal, in the case of a final decision by the City, judicial review of this
3 decision is subject to the provisions and time limits set forth in California Code of Civil
4 Procedure sections 1094.6 et seq.

5 Please Take Further Notice that, if the public nuisance violations are not
6 abated within the time specified and a timely appeal is not made, such nuisance may
7 be abated by City employees, representatives or contract agents (hereafter "City
8 Personnel"), in the manner stated in this Notice of Abatement. On such occasions, all
9 costs of the abatement, including, but not limited to, those stated in Chapter 9.04 of the
10 Culver City Municipal Code, shall be assessed against the responsible person(s)
11 and/or the subject property, as a lien, or as a special assessment, or as otherwise
12 allowed by law.

13 Please Take Further Notice that the City may record a Notice of
14 Substandard Property with the Los Angeles County Recorder's Office against the
15 premises if the public nuisance is not fully abated or corrected (with all required
16 approvals, permits and inspections), as determined by the City, in the manner and time
17 set forth in this Notice of Abatement and provided that a timely appeal therefrom has
18 not been made.

19 Please Take Further Notice that, in the event of abatement by City
20 Personnel, all buildings, structures, and/or personal property constituting a public
21 nuisance may be removed from the subject premises or from public property and
22 destroyed or disposed of, without regard to its actual or salvage value.

23 Dated: This _____ day of _____ 20__.

24 _____ Public Official ***[Name and Title]***

25 ***[End of Form]***

1 A Notice of Abatement shall be deemed in substantial compliance with this subsection
2 regardless of form if all substantive information is contained in such Notice of Abatement.
3

4 **§9.04.060 SERVICE OF NOTICE**

5 A. Except as otherwise expressly required by a provision of this
6 Chapter, any notice required by this Chapter may be served by personal delivery to any
7 responsible person or by first class mail. The date of service shall be the date it is
8 personally delivered or placed in a U.S. Postal Service receptacle. Failure of any
9 responsible person to receive a properly addressed Notice of Abatement by mail shall
10 not invalidate any action or proceeding pursuant to this Chapter.

11 1. In addition to being served upon a responsible party in
12 accordance with this Section, any Notice of Abatement that includes an Order to
13 Vacate shall also be posted at or upon the main entrance of the building or structure
14 being ordered vacated or at another prominent location if the entire property is being
15 ordered vacated.

16 B. Except as otherwise expressly required by a provision of this
17 Chapter, any notice issued to an owner of real property shall be sent to the mailing
18 address on the last equalized assessment roll of the Los Angeles County Assessor's
19 Office. Failure of any owner to receive a properly addressed notice by mail shall not
20 invalidate any action or proceeding pursuant to this Chapter.
21

22 **§9.04.065 RIGHT OF APPEAL FROM A NOTICE OF ABATEMENT**

23 A. A responsible person may contest a Notice of Abatement by filing a
24 written request for an appeal with the City Clerk's office (located at 9770 Culver Blvd.,
25 Culver City, CA) within fifteen (15) calendar days of service of the Notice of Abatement.
26 No fee shall be due for the filing of an appeal.
27
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1 B. A written request for an appeal shall contain the following
2 information:

- 3 1. Name, address, and telephone number of each responsible
4 party who is appealing the Notice of Abatement (hereinafter, "appellant").
5 2. Address and description of real property upon which the City
6 intends to enter and abate a public nuisance.
7 3. Date of Notice of Abatement being appealed.
8 4. Specific action or decision being appealed.
9 5. Grounds for appeal in sufficient detail to enable the Hearing
10 Officer to understand the nature of the controversy.
11 6. The signature of at least one appellant.

12 C. Failure of the City Clerk to receive a timely appeal constitutes a
13 waiver of the right to contest a Notice of Abatement. In this event, the Notice of
14 Abatement is final and binding.

15 D. The provisions of this section only apply to instances where the City
16 has elected to establish the right, but not the obligation, to abate public nuisances with
17 City Personnel. In no event does this Chapter limit the right of City officials to issue
18 alternative written or oral notices of code violations to responsible persons or to cause
19 the abatement of public nuisances in a different manner, including without limitation, by
20 court orders arising from the City's exercise of its criminal or civil remedies. In such
21 instances, a responsible person shall receive a right to hearing and other due process
22 rights through the court process.

23
24 **§9.04.070. CONSEQUENCE FOR AN UNTIMELY APPEAL**

25 A. If a timely appeal is not received by the City Clerk, the right to
26 appeal is waived and the Notice of Abatement is final and binding. In such instances,
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1 the City may, without any administrative hearing, cause the abatement with City
2 personnel of any or all of the nuisance conditions or activities stated in the Notice of
3 Abatement. Entry onto private real property that is both improved and occupied shall,
4 excepting instances of an imminent hazard, be pursuant to a warrant from a court of
5 competent jurisdiction. The City shall follow the procedures stated in this Chapter for
6 recovery of all abatement costs, fees and expenses (incidental or otherwise).

7 B. Nothing contained in this Chapter shall obligate the City to
8 undertake abatement actions pursuant to a Notice of Abatement, whether or not there
9 is a timely appeal.

11 **§9.04.075 ABATEMENT BY RESPONSIBLE PERSON PRIOR TO HEARING**

12 A. Any responsible person shall have the right to abate a nuisance in
13 accordance with the Notice of Abatement at his or her own expense, provided all
14 corrective actions are completed with all required City permits, approvals and
15 inspections, prior to the date the matter is set for a hearing.

16 B. A hearing shall be cancelled if all nuisance conditions or activities
17 are, as determined by the City, fully and lawfully abated prior thereto.

19 **§9.04.080 REVIEW BY HEARING OFFICER**

20 A. Any responsible person who contests a Notice of Abatement shall,
21 subject to filing a timely appeal, obtain review thereof before a hearing officer. The
22 administrative appeal shall be scheduled no later than sixty (60) calendar days, and no
23 sooner than ten (10) calendar days, after receipt of a timely filed request for appeal.
24 The appellants listed on the written request for an appeal shall be notified in writing of
25 the date, time, and location of the hearing at least ten (10) calendar days prior to the
26 date of the hearing.

1 B. Any request by an appellant to continue a hearing must be
2 submitted to the City Clerk in writing no later than two (2) business days before the
3 date scheduled for the hearing. The hearing officer may continue a hearing for good
4 cause or on his/her own motion; however, in no event may the hearing be continued for
5 more than thirty (30) calendar days without stipulation by all parties.

6 C. At the place and time set forth in the notification of appeal hearing,
7 the hearing officer shall hear and consider the testimony of the appealing person(s),
8 the issuing officer, and/or their witnesses, as well as any documentary evidence
9 presented by these persons concerning the alleged public nuisance(s).

10 D. Appeal hearings are informal, and formal rules of evidence and
11 discovery do not apply. The City bears the burden of proof to establish a nuisance
12 exists by a preponderance of evidence. The issuance of a Notice of Abatement shall
13 constitute prima facie evidence of the violation and the Code Enforcement Officer who
14 issued the Notice of Abatement, or another Enforcement Services representative, is
15 required to participate in the appeal hearing. The appellant, and the enforcement
16 officer issuing the Notice, as well as all other responsible persons, shall have the
17 opportunity to present evidence and to present and cross-examine witnesses. The
18 appellant and the enforcement officer issuing the Notice of Abatement, or other
19 responsible persons, may represent himself/herself/themselves or be represented by
20 anyone of his/her/their choice. The appellant, or other interested persons, may bring an
21 interpreter to the hearing at his/her/their sole expense. The City may, at its discretion,
22 record the hearing by stenographer or court reporter, audio recording, or video
23 recording. The hearing officer may question any person who presents evidence or
24 testifies at any hearing.

25 E. If the appellant fails, or other responsible persons fail, to appear, or
26 to otherwise submit any admissible evidence demonstrating the non-existence of the
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1 alleged nuisance(s), the hearing officer shall cancel the hearing and send a notice
2 thereof to the responsible person(s) by first class mail to the address(es) stated on the
3 appeal form. A cancellation of a hearing due to non-appearance of the appellant shall
4 constitute the appellant's waiver of the right to appeal and a failure to exhaust all
5 administrative remedies. In such instances, the Notice of Abatement is final and
6 binding.

7
8 **§9.04.085 DECISION OF HEARING OFFICER; ORDER OF ABATEMENT**

9 A. Not later than fifteen (15) calendar days following conclusion of the
10 hearing, the hearing officer shall determine if any nuisance condition exists at the
11 subject property. If the hearing officer determines that each nuisance condition
12 described in the Notice of Abatement is non-existent, the Notice of Abatement shall be
13 deemed cancelled. If the hearing officer determines that one or more of the nuisance
14 conditions described in the Notice of Abatement exists, he/she shall issue a written
15 Order of Abatement which shall contain the following:

- 16 1. A finding and description of each nuisance condition existing
17 at the subject property.
- 18 2. The name of each person responsible for a nuisance
19 condition or conditions at the subject property, as well as the name of any person who is
20 not responsible therefor.
- 21 3. The required corrective action and a compliance period for
22 each unabated nuisance condition.
- 23 4. Any other finding, determination or requirement that is
24 relevant or related to the subject matter of the appeal.

25 B. The decision of the hearing officer is final and conclusive. The
26 decision shall also contain the following statement: "The decision of the Hearing Officer
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1 is final and binding. Judicial review of this decision is subject to the provisions and time
2 limits set forth in California Code of Civil Procedure Sections 1094.6 et seq.”

3 C. A copy of the decision shall be served by first class mail on each
4 responsible person to whom the Notice of Abatement was issued. If the owner is not an
5 appellant, a copy of the Order of Abatement shall also be served on the owner by first
6 class mail and certified mail to the address shown on the last equalized assessment
7 roll. Failure of a person to receive a properly addressed decision shall not invalidate
8 any action or proceeding by the City pursuant to this chapter.

9
10 **§9.04.090 ABATEMENT OF NUISANCE BY RESPONSIBLE PERSONS PRIOR TO**
11 **CITY ABATEMENT ACTIONS**

12 A. Any responsible person shall have the right to fully abate a
13 nuisance in accordance with the Hearing Officer’s decision prior to the date of entry of
14 City personnel upon the subject real property, provided that all corrective actions are
15 completed with all required City permits, approvals and inspections, prior to said entry
16 date. In such instances, all administrative proceedings shall be cancelled, with the
17 exception of the City’s right to seek recovery of its incurred incidental expenses, Code
18 Enforcement Fees, and Attorney’s Fees as provided by and pursuant to the provisions
19 of this Chapter.

20 B. Once the City enters a subject real property to abate a public
21 nuisance, it shall have the right to complete this action.

22 C. It is unlawful and a misdemeanor for any person to obstruct,
23 impede, or interfere with City Personnel in the performance of any act that is carried out
24 to abate a public nuisance.

25 D. All buildings, structures, and/or personal property that is removed
26 by City Personnel from premises in the abatement of a nuisance shall be lawfully
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1 disposed of or destroyed without regard to its actual or salvage value.
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3 **§9.04.095 EMERGENCY ACTION TO ABATE AN IMMINENT HAZARD**

4 A. Notwithstanding any provision of the Culver City Municipal Code to
5 the contrary, the City Manager, the Police Chief, the Fire Chief, or the Building Official,
6 or any of their designees, may cause a public nuisance to be summarily abated if it is
7 determined that the nuisance creates an imminent hazard to a person or persons, or to
8 other real or personal property.

9 B. Prior to abating nuisance that creates an imminent hazard, the City
10 Manager shall attempt to notify a responsible person by telephone or in writing of the
11 imminent hazard and request its abatement by said person; provided however, that the
12 City Manager may dispense with any attempt at prior notification of a responsible person
13 if, in the sole discretion of the City Manager, the nature or severity of the hazard
14 justifies such inaction. If notice has been so given, but, in the sole discretion of the City
15 Manager, the responsible person(s) fail(s) to take immediate and meaningful steps to
16 abate the imminent hazard, the City may abate the nuisance with City Personnel without
17 further notice, and charge the costs and fees thereof to the responsible person(s).

18 C. Within ten (10) business days following emergency action of City
19 Personnel to abate an imminent hazard, the City shall serve any responsible person
20 with a Notice of Emergency Abatement by City Personnel of an Imminent Hazard by
21 both certified mail, return receipt requested, and first class mail. Notice to a property
22 owner shall be mailed to the mailing address set forth in the last equalized assessment
23 roll of the Los Angeles County Assessor's Office. Failure of any responsible person to
24 receive a properly addressed Notice of Emergency Abatement by City Personnel of an
25 Imminent Hazard by mail shall not invalidate any action or proceeding pursuant to this
26 Chapter.
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1 D. A Notice of Emergency Abatement by City Personnel of an
2 Imminent Hazard shall contain the following provisions:

3 1. The name of all known responsible persons who are being
4 served with the Notice of Emergency Abatement by City Personnel of an Imminent
5 Hazard and the address of the real property on which the imminent hazard was present.

6 2. A brief description of the condition(s) and reasons why it
7 constitutes an imminent hazard.

8 3. A brief description of the law prohibiting or pertaining to the
9 imminent hazard.

10 4. A brief description of the actions City Personnel took to abate
11 the imminent hazard.

12 E. Omission of any of the foregoing provisions in a Notice of
13 Emergency Abatement by City Personnel of an Imminent Hazard, whether in whole or
14 in part, or the failure of a responsible person to receive this document, shall not render
15 it defective or render any proceeding or action pursuant to this Chapter invalid.

16 F. Emergency abatement of an imminent hazard by City Personnel
17 shall not preclude the City from recording a Declaration of Substandard Property in
18 accordance with the provisions of Section 9.04.135 of this Chapter, if conditions
19 thereafter remain at the premises that constitute a violation of law or a public nuisance.

20 G. The City shall be entitled to recover its fees and costs (incidental or
21 otherwise) for the abatement of an imminent hazard. In such instances, the City shall
22 follow the procedures set forth in this Chapter.

23
24 **§9.04.100 COMBINATION OF NOTICES**

25 The notices that are authorized by this Chapter may be combined in the
26 discretion of the City.

1
2 **§9.04.105 ESTABLISHMENT OF COSTS OF ABATEMENT**

3 A. The City shall keep an accounting of the Abatement Costs.

4 B. The City shall serve a Statement of Abatement Costs on the
5 responsible persons within ninety (90) calendar days of the City's completion of
6 nuisance abatement actions. Service of this statement may be made in the manner
7 provided for in Section 9.04.060 of this Chapter.

8 C. Unless a timely contest of the Statement of Abatement Costs is
9 filed, a responsible person shall tender the Abatement Costs in U.S. currency to the City
10 within thirty (30) calendar days of the date of service of the Statement of Abatement
11 Costs.

12 D. A responsible person has the right to contest a Statement of
13 Abatement Costs by filing a written request for contest with the City Clerk's Office
14 (located at 9770 Culver Blvd., Culver City, CA) within fifteen (15) calendar days of
15 service of the Statement of Abatement Costs.

16 1. A written request for contest shall contain the following
17 information:

18 (a) Name, address, telephone number, and signature of
19 each responsible person who is contesting the Statement of Abatement Costs.

20 (b) Address and description of the real property upon
21 which the City abated a public nuisance.

22 (c) Date of the Statement of Abatement Costs being
23 appealed.

24 (d) Description of the specific Abatement Cost being
25 contested, and a statement of the grounds for contest in sufficient detail to enable the
26 City Manager or designee thereof to understand the nature of the controversy.
27

1 2. No fee shall be due for the filing of a request for contest.

2 E. Failure of the City Clerk to receive a timely appeal request for
3 contest constitutes a waiver of the right to contest a Statement of Abatement Costs
4 and a failure to exhaust all administrative remedies. In this event, the Statement of
5 Abatement Costs is final and binding, and the City may proceed to collect its
6 Abatement Costs as contained in a final Statement of Abatement Costs in any manner
7 allowed by law.

8 F. If a timely request for contest is received by the City Clerk, a
9 hearing shall be set before the City Manager no later than sixty (60) calendar days, and
10 no sooner than ten (10) calendar days, of receipt of the request for contest. A notice of
11 the date, time and location of the hearing shall be served on all responsible persons
12 who contested the Statement of Abatement Costs by first class mail to the address(es)
13 stated on the request form at least ten (10) calendar days prior to the hearing. Failure
14 of a person requesting a contest to receive a properly addressed notice shall not
15 invalidate any action or proceeding by the City pursuant to this Chapter.

16 G. Any request by an appellant to continue a hearing must be
17 submitted to the City Clerk in writing no later than two (2) business days before the
18 date scheduled for the hearing. The City Manager may continue a hearing for good
19 cause or on its own motion; however, in no event may the hearing be continued for
20 more sixty (60) calendar days without stipulation by all parties.

21 H. At the time and place fixed for receiving and considering the
22 request to contest the Statement of Abatement Costs, the City Manager shall hear and
23 pass upon the evidence submitted by City Personnel, together with any objections or
24 protests raised by responsible persons liable for said costs. Testimony and evidence
25 shall be limited to issues related to the abatement costs, and no person shall be
26 permitted to present evidence or testimony challenging the existence of a public
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1 nuisance or manner of abatement as described in the Notice of Abatement.

2 Thereupon, the City Manager may make such revision, correction or modification to the
3 statement as it may deem just, after which the statement, as it is submitted, or as
4 revised, corrected or modified, shall be confirmed. The hearing may be continued from
5 time to time.

6 I. The decision of the City Manager is final.

7 J. The City Clerk shall cause a confirmed Statement of Abatement
8 Costs to be served upon all persons who contested the original statement by first class
9 mail to the address(es) stated on the request form. The City Clerk shall cause a
10 confirmed Statement of Abatement Costs to be served on the owner of the property on
11 which City personnel abated a public nuisance by first class mail to the address shown
12 on the last equalized assessment roll (irrespective of whether the owner contested the
13 Statement of Abatement Costs). This document shall also contain the following
14 statement: "The determination of the City Manager is final and binding. This document
15 shall also contain the following statement: "The decision of the City Manager is final and
16 binding. Judicial review of the this decision is subject to the provisions and time limits
17 set forth in California Code of Civil Procedure Sections 1094.6 et seq."

18 K. Failure of a person to receive a properly addressed confirmed
19 statement shall not invalidate any action or proceeding by the City pursuant to this
20 Chapter.

21 L. A responsible person shall tender the Abatement Costs in U.S.
22 Currency to the City within thirty (30) calendar days of the date of service of the
23 confirmed Statement of Abatement Costs. The City may thereafter proceed to collect
24 its Abatement Costs as contained in the confirmed Statement of Abatement Costs in
25 any manner allowed by law.
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1 **§9.04.110 COLLECTION OF ABATEMENT COSTS BY SPECIAL ASSESSMENT**

2 A. The City may cause a special assessment to be made upon real
3 property upon which a public nuisance was abated pursuant to California Government
4 Code, Section 38773.5, and future amendments thereto, in the event a Statement of
5 Abatement Costs or a confirmed Statement of Abatement Costs is not paid in a timely
6 manner.

7 B. A Notice of Special Assessment shall be sent to the owner(s) of the
8 subject real property by certified mail at the time the assessment is imposed, which
9 shall contain the following recitals:

10 The property may be sold after three years by the tax collector for unpaid
11 delinquent assessments. The tax collector's power of sale shall not be
12 affected by the failure of the property owner to receive notice. The
13 assessment may be collected at the same time and in the same manner
14 as ordinary municipal taxes are collected, and shall be subject to the same
15 penalties and the same procedure and sale in case of delinquency as
16 provided for ordinary municipal taxes. All laws applicable to the levy,
17 collection and enforcement of municipal taxes shall be applicable to the
18 special assessment. However, if any real property to which the cost of
19 abatement relates has been transferred or conveyed to a bona fide
20 purchaser for value, or if a lien of a bona fide encumbrancer for value has
21 been created and attaches thereon, prior to the date on which the first
22 installment of the taxes would become delinquent, then the cost of
23 abatement shall not result in a lien against the real property but instead
24 shall be transferred to the unsecured roll for collection.

25 C. The City Attorney or City Prosecutor shall establish the Notice of
26 Special Assessment form for use, or consideration by, the Tax Collector in collecting a
27

1 special assessment.

2 D. The Notice of Special Assessment shall be entitled to recordation
3 with the Los Angeles County Recorder's Office.

4 E. The amount of a Special Assessment shall also constitute a
5 personal obligation of the property owners of land upon which the nuisance was
6 abated.

7
8 **§9.04.115 COLLECTION OF COSTS OF ABATEMENT BY NUISANCE**
9 **ABATEMENT LIEN**

10 A. As an alternative to the procedure contained in Section 9.04.110 of
11 this Chapter, the City may cause a nuisance abatement lien to be recorded upon real
12 property upon which a public nuisance was abated pursuant to California Government
13 Code, Section 38773.1, and future amendments thereto, in the event a Statement of
14 Abatement Costs or a confirmed Statement of Abatement Costs is not paid in a timely
15 manner.

16 B. A lien shall not be recorded prior to serving the owner of record of
17 the parcel of land on which the public nuisance is maintained, with a notice. This
18 document shall be served in the same manner as a summons in a civil action in
19 accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of
20 Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search
21 cannot be found, the notice may be served by posting a copy thereof in a conspicuous
22 place upon the property for a period of 10 days and publication thereof in a newspaper
23 of general circulation published in Los Angeles County pursuant to Section 6062 of the
24 California Government Code.

25 C. The nuisance abatement lien shall be recorded in the Los Angeles
26 County Recorder's office in the County in which the parcel of land is located and from the
27

1 date of recording shall have the force, effect, and priority of a judgment lien.

2 D. A nuisance abatement lien authorized by this section shall specify
3 the amount of the lien for the City of Culver City, the name of the City department on
4 whose behalf the lien is imposed, the date of the abatement actions, the street address,
5 legal description and assessor's parcel number of the parcel on which the lien is
6 imposed, and the name and address of the recorded owner of the parcel.

7 E. In the event that the lien is discharged, released, or satisfied, either
8 through payment or foreclosure, notice of the discharge containing the information
9 specified in Subsection (D) shall be recorded by the City. A nuisance abatement lien
10 and the release of the lien shall be indexed in the grantor-grantee index.

11 F. A nuisance abatement lien may be foreclosed by an action brought
12 by the City for a money judgment.

13 C. The City may recover from the property owner any costs incurred
14 regarding the processing and recording of the lien and providing notice to the property
15 owner as part of its foreclosure action to enforce the lien.

16 H. The amount of a Nuisance Abatement Lien shall also constitute a
17 personal obligation of the property owners of land upon which the nuisance was
18 abated.

19 **§9.04.120 RESTITUTION OF ABATEMENT COSTS IN JUDICIAL**
20 **PROCEEDINGS**

21 Nothing in this Chapter shall prevent the City from seeking an order of restitution for
22 abatement costs from a court of competent jurisdiction in connection with a civil or
23 criminal judicial proceeding seeking the abatement of a public nuisance.

24
25 **§9.04.125 TREBLE THE COSTS OF ABATEMENT**
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Pursuant to California Government Code section 38773.7 (or any subsequent amendment thereto), upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that an owner of property is responsible for a public nuisance except for public nuisance conditions abated pursuant to California Health & Safety Code Section 17980 ("State Housing Law"), the court may order that person to pay treble the costs of the abatement.

§9.04.130 Violations and Penalties

A. Any person who remains in or enters any building or structure that has been ordered to be vacated pursuant to the provisions of this Chapter is guilty of a misdemeanor offense punishable in accordance with Chapter 1.01 of Title 1 of this Code.

B. Any responsible person who fails to comply with an Order of Abatement by completing each of the requisite corrective actions in the manner and time set forth in the Order of Abatement is guilty of a misdemeanor offense punishable in accordance with Chapter 1.01 of Title 1 of this Code.

C. Any person who obstructs, impedes, or interferes with any representative of the City engaged in vacating, repairing, rehabilitating, or demolishing and removing any property pursuant to the provisions of this Chapter is guilty of a misdemeanor offense punishable in accordance with Chapter 1.01 of Title 1 of this Code.

D. Any person who defaces, alters, or removes any notice or order posted as required in this Chapter is guilty of a misdemeanor offense punishable in accordance with Chapter 1.01 of Title 1 of this Code.

E. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this Chapter, or of any law or regulation

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

Part 3 - Recordation, Enforcement Fees and Attorney's Fees

§9.04.135. RECORDATION OF DECLARATION OF SUBSTANDARD PROPERTY

A. Notwithstanding any provision of the Culver City Municipal Code to the contrary, if the City determines that any property, building or structure, or any part thereof, is in violation any provision of the Culver City Municipal Code and said violation has not been fully abated or corrected, as determined by the City, in the manner and time provided in a written notice to a responsible person, then the City, in its sole discretion, may record a Declaration of Substandard Property with the Los Angeles County Recorder's Office against said premises. As used herein, "fully abated or corrected" includes the procurement of all required City approvals, permits, licenses and the passage of all City required inspections.

B. A Declaration of Substandard Property shall not be recorded unless the City has first issued a written notice (in any form) to the owner of real property (i) identifying and requiring correction of a public nuisance condition; and, (ii) disclosing that a Declaration of Substandard Property may be recorded against the real property if the public nuisance condition(s) is/are not fully abated or corrected in the manner and time delineated in said notice, as determined by the City.

1. If the notice required pursuant to this Section was comprised of a Notice of Abatement as defined in this Chapter or of an administrative citation issued pursuant to Chapter 1.02 of this Code, a Declaration of Substandard Property shall not be recorded unless the Notice of Abatement and/or administrative citation is deemed a final and binding City decision.

1 D. The form that constitutes a Declaration of Substandard Property shall be
2 approved by the City Attorney or the City Prosecutor.

3 E. The City shall record a Notice of Rescission of Declaration of Substandard
4 Property with the Los Angeles County Recorder's Office within ten (10) business days of
5 its determination that a violation or a public nuisance has been fully abated or
6 corrected.

7 F. The City shall cause copies of recorded Declarations of Substandard
8 Property and Notices of Rescission of Declaration of Substandard Property to be served
9 on all persons having an ownership interest in the subject real property as shown in the
10 last equalized assessment roll of the Los Angeles County Assessor's Office. Service
11 thereof shall be by first class mail. Failure of any person to receive such notices shall
12 not invalidate any action or proceeding pursuant to this Chapter.

13
14 **§9.04.140. CODE ENFORCEMENT FEES**

15 A. Pursuant to California Government Code Section 54988 and California
16 Health and Safety Code Section 17951 (and any successor statute thereto), the Building
17 Code, and any other applicable local, State, or Federal law, as well as by the City's police
18 powers as authorized by the California Constitution, the City may charge and collect Code
19 Enforcement Fees from responsible persons who cause, allow, permit, suffer, or maintain a
20 violation in or upon any real property located within the City to defray the City's costs of
21 code enforcement actions. Such fees shall not exceed the amount reasonably required to
22 achieve this objective and are chargeable whether the City's code enforcement actions
23 occur in the absence of formal administrative or judicial proceedings, as well as prior to,
24 during, or subsequent to, the initiation of such proceedings.

25 1. The amount(s) or rate(s) of Code Enforcement Fees for City
26 Personnel time and other resources that are used for code enforcement actions shall
27

1 be established, and may thereafter be amended, by resolution by the City Council.

2 2. The fees imposed pursuant to this section shall be in addition
3 to any other fees or charges that responsible persons may owe in accordance with any
4 other provision of the this Code, or which are imposed pursuant to County, State or
5 Federal laws or regulations.

6 B. The City shall keep an accounting of the Code Enforcement Fees
7 and shall serve a Statement of Code Enforcement Fees upon the responsible persons.
8 The issuance, service, and contest of a Statement of Code Enforcement Fees and the
9 payment and collection of Code Enforcement Fees shall be made in the same manner
10 and in the same time frames as for the issuance, service, and contest of a Statement of
11 Abatement Costs and for the payment and collection of Abatement Costs as set forth in
12 Sections 9.04.105 through 9.04.125 of this Code.

13 C. The City Manager, or a designee thereof, is authorized to establish
14 regulations for the uniform imposition of Code Enforcement Fees, and for related
15 administrative actions pertaining to such fees.

16 D. Code Enforcement Fees shall also be recoverable in conjunction
17 with any action, administrative proceeding, judicial proceeding, or special proceeding to
18 cause the abatement or cessation of, or otherwise to remove a violation or a public
19 nuisance, and is not limited to those proceedings wherein City Personnel perform the
20 necessary abatement actions.

21 E. Failure to pay Code Enforcement Fees shall constitute a debt that
22 is collectible in any manner allowed by law, including, but not limited to the recordation of
23 a lien with the County Recorder's Office and/or with the California Franchise Tax Board
24 "Inter-Agency Offset Program" (pursuant to Section 12419.10 of the California Government
25 Code).

26 F. The City shall be entitled to recover its attorney's fees and costs
27
28

1 pursuant to Section 9.04.145 of this Chapter arising from an action to collect Code
2 Enforcement Fees imposed in accordance with this Chapter, as well as any other fee
3 or charge imposed or allowed by any City, County, State, or Federal laws or
4 regulations.

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6
7 **§9.04.145. RECOVERY OF ATTORNEY'S FEES**

8 A. The prevailing party of any action, administrative proceeding, or special
9 proceeding to abate a nuisance or to cause the abatement of a public nuisance or other
10 violation of this Code, or in any appeal or other judicial action arising therefrom, shall be
11 entitled to recover reasonable attorney's fees. Attorneys' fees shall not be recoverable
12 unless the City Manager (or a designee thereof) or an attorney for and on behalf of the
13 City elects in writing at the initiation of that individual action or proceeding to seek
14 recovery of its own attorneys' fees.

15 B. Provided that the City has made an election to seek attorney's fees, an
16 award of attorney's fees to a person shall not exceed the amount of reasonable
17 attorney's fees incurred by the City in that action or proceeding.

18 C. Unpaid attorneys' fees shall be collectible in any manner allowed by law.
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21 **§9.04.150. APPLICABILITY OF OTHER LAWS**

22 A. This Chapter does not exclusively regulate the conditions and use
23 of property within the City. This Chapter shall supplement other provisions of this Code
24 and other statutes, ordinances or regulations now existing or subsequently enacted by
25 the City, the State or any other entity or agency having jurisdiction.
26
27
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1 B. The procedures for abatement set forth in this Chapter are not
2 exclusive and are in addition to any other provisions set forth in this Code or by State
3 law for the abatement of
4 public nuisances.
5

6 **SECTION 5:** Section 1.01.065 “Municipal Code Appeals Committee” is
7 hereby added to Chapter 1.01 of Title 1 of the CCMC, as follows:
8

9 **§1.01.065 MUNICIPAL CODE APPEALS COMMITTEE**

10 Wherever in this Code the “Municipal Code Appeals Committee” is referred
11 to as the designated hearing body, its members shall consist of the City Manager or his/her
12 designee, the Fire Chief or his/her designee, and the Community Development Director or
13 his/her designee.
14

15 **SECTION 6:** A new Chapter 9.13 [entitled “Maintenance and Security of
16 Vacant and/or Undeveloped Property”] is hereby added to Title 9 of the Culver City
17 Municipal Code, as follows:
18

19 **Maintenance and Security of Vacant and/or Undeveloped Property**

20 **§ 9.13.005 Maintenance and Security Standards for Vacant, Abandoned, or**
21 **Undeveloped Property**
22

23 ***Maintenance and Security of Vacant and/or Undeveloped Property***

24 **§9.13.005** Maintenance and Security Standards for Vacant, Abandoned or
25 Undeveloped Property.
26
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1 A. Every person who owns, possesses or has control of an
2 abandoned, vacated or undeveloped property, area or place, including buildings and
3 structures thereon, shall maintain and secure said property in such a way that it will not
4 be injurious to public health, safety and general welfare or to the stability of real
5 property so as to interfere with the comfortable enjoyment of life or property, nor
6 become attractive to unauthorized persons, including but not limited to juveniles and
7 transients, nor constitute a health, fire or safety hazard.

8 B. Every person who owns, possesses or is in control of any undeveloped
9 real property in the City or any other real property in the City that has been vacant or
10 abandoned for a period in excess of thirty (30) calendar days shall do the following:

11 (1) *Unsecured access points.* All means of ingress or egress to
12 the property or structure on the property, including but not limited to, windows, doors,
13 gates and fences that have been breached, vandalized, or damaged, shall be boarded
14 up and/or secured in compliance with Federal Housing Authority board-up standards to
15 ensure the property or structure is secured against unauthorized entry.

16 (2) *Paint.* All boards securing a breach in any ingress or egress on
17 a structure shall be fully painted in such a manner as to complement or match the paint
18 color of the structure.

19 (3) *Temporary Fencing.* Any undeveloped real property within the
20 City, or any other vacant real property in the City that an Enforcement Officer has
21 determined in writing, based upon specific findings regarding the conditions of said real
22 property and surrounding area(s), poses a threat to the health, safety, and welfare of
23 the general public, shall be enclosed by a *temporary security fence* as approved by the
24 Community Development Director or designee thereof. Notwithstanding the provisions
25 of Title 17 ("Zoning Code") of this Code, said security fencing shall measure a
26 minimum of six feet (6') in height measured from grade and shall be erected in
27

1 accordance with all requisite City approvals, permits, and inspections. Conditions that
2 shall be considered when determining the necessity of a *temporary security fence*
3 include, but shall not be limited to, instances of unauthorized entry and/or vandalism,
4 and the degree of decay, deterioration, dilapidation, or neglect of the real property and
5 structures thereon.

6 (4) *Signage and Emergency Contact.* Signs prohibiting
7 trespassing, and the name and phone number of the person or entity responsible for
8 the maintenance and security of the vacant property shall be posted on all vacant
9 structures and/or security fencing surrounding vacant properties. Security fencing
10 shall be kept clear of all other signs.

11 (5) *Letter of Agency.* Submit a "Letter of Agency" (or other
12 similarly entitled authorization) to the Culver City Police Department every ninety (90)
13 calendar days authorizing the Police Department to remove and/or arrest all
14 unauthorized persons from the property.

15
16 **SECTION 7:** Nothing in this Ordinance shall be construed to affect any suit
17 or proceeding impending in any court, or any rights acquired, or liability incurred, or any
18 cause or causes of action acquired or existing, under any act or Ordinance hereby
19 repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or remedy
20 of any character be lost, impaired or affected by this Ordinance.

21
22 **SECTION 8:** Pursuant to Section 619 of the City Charter, this Ordinance shall
23 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City
24 Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall
25 cause this Ordinance, or a summary thereof, to be published in the Culver City News and
26 shall post this Ordinance or a summary thereof in at least three (3) places within the City.
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1
2 **SECTION 9:** City Council hereby declares that, if any provision, section,
3 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared
4 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
5 reason or any preemptive legislation, then the City Council would have independently
6 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases,
7 or words of this Ordinance, and as such they shall remain in full force and effect.
8

9 APPROVED and ADOPTED this _____ day of _____, 2013.
10
11

12 _____
13 JEFFERY COOPER, Mayor
14 Culver City, California

15 ATTEST:

16 APPROVED AS TO FORM:

17 _____
18 MARTIN R. COLE,
19 City Clerk

20 _____
21 CAROL A. SCHWAB,
22 City Attorney
23
24
25
26
27
28