

MEETING DATE: **03.16.09**

AGENDA ITEM: **Introduction of an Ordinance Amending Chapter 9.04 of Title 9 of the Culver City Municipal Code, Entitled “Nuisances,” to Modify Property Maintenance Standards and to Update the Procedures for Administrative Due Process Abatement of Public Nuisances; and, Amending Chapter 1.01 of Title 1 to Relocate the Definition of the Composition of the Municipal Code Appeals Committee from Chapter 9.04.**

ATTACHMENTS

	<u>Pages</u>
1. Ordinance No. 2009-_____	1-46
2. CCMC Chapter 9.04 “Nuisances”	47-78
3. Notice published February 26, 2009	79

ATTACHMENT 1

ORDINANCE NO. 2009-

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, AMENDING CHAPTER 9.04 OF TITLE 9 OF THE CULVER CITY MUNICIPAL CODE, ENTITLED "NUISANCES" TO MODIFY PROPERTY MAINTENANCE STANDARDS AND TO UPDATE THE PROCEDURES FOR ADMINISTRATIVE DUE PROCESS ABATEMENT OF PUBLIC NUISANCES; AND, AMENDING CHAPTER 1.01 OF TITLE 1 TO RELOCATE THE DEFINITION OF THE COMPOSITION OF THE MUNICIPAL CODE APPEALS COMMITTEE FROM CHAPTER 9.04.

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

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

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

SECTION 1: That section 9.04.005 of Chapter 9.04 of Title 9 of the Culver City Municipal Code ("CCMC") is hereby amended as follows (strike through indicates a deletion; underlining indicates an addition):

§ 9.04.005 PURPOSE AND INTENT.

~~The purpose of the provisions of this Chapter is to protect the inhabitants of the City against all forms of nuisances, public or private, not specifically prohibited by State Law.~~ and intent of this Chapter are as follows:

1. To define as public nuisances and violations those conditions and uses of land that are offensive or annoying to the senses, detrimental to property

ATTACHMENT 1

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, or welfare of the general public.

2. To develop regulations that will promote the sound maintenance of property and enhance of conditions of appearance, habitability, occupancy, use and safety of all structures and premises in the City.

3. To establish administrative procedures for the City's use, upon its election, to, correct or abate violations of this Chapter on real property throughout the City.

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

SECTION 2: Section 9.04.010 of Chapter 9.04 of Title 9 of the CCMC is hereby repealed and deleted in its entirety, and replaced as follows:

§ 9.04.010 DEFINITIONS.

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

A. "Abandoned structure" shall mean real property, or any building or structure thereon, that is vacant and is maintained in an uninhabitable condition or a condition of disrepair or deterioration as evidenced by the existence of public nuisances therein, or that is vacant and under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or that is vacant and has been the subject of a foreclosure sale where title was retained by the beneficiary of a deed of trust involved in the foreclosure. Factors that may also be considered in a determination of an

ATTACHMENT 1

1 abandoned structure include, without limitation: present operability and functional utility;
2 the presence of non-functional, broken or missing doors or windows, such that entry
3 therein by unauthorized persons is not deterred; the existence of real property tax
4 delinquencies for the land upon which the structure is located; age and degree of
5 obsolescence of the structure, and the cost of rehabilitation or repair versus its market
6 value.

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

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

17 D. “Attractive nuisance” shall mean any condition, device, equipment,
18 instrument, item or machine that is unsafe, unprotected and may prove detrimental to
19 minors whether in a structure or in outdoor areas of developed or undeveloped real
20 property. This includes, without limitation, any abandoned or open and accessible wells,
21 shafts, basements or excavations; any abandoned refrigerators and abandoned or
22 inoperable motor vehicles; any structurally unsound fences or structures; or, any lumber,
23 trash, fences, debris or vegetation which may prove hazardous or dangerous to
24 inquisitive minors. An attractive nuisance shall also include pools, standing water or
25 excavations containing water, that are unfenced or otherwise lack an adequate barrier
26 thereby creating a risk of drowning, or which are hazardous or unsafe due to the
27
28

ATTACHMENT 1

1 existence of any condition rendering such water to be clouded, unclear or injurious to
2 health due to, without limitation, any of the following: bacterial growth, infectious or toxic
3 agents, algae, insect remains, animal remains, rubbish, refuse, debris, or waste of any
4 kind.

5 E. "Building" shall mean any structure designed, used, or maintained
6 for the shelter or enclosure of persons, animals, chattels, equipment, or property of any
7 kind, and shall also include structures wherein things may be grown, made, produced,
8 kept, handled, stored, or disposed of, and all appendages, accessories, apparatus,
9 appliances, and equipment installed as a part thereof.

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

11 G. "City Manager" shall mean the City Manager or his or her duly
12 authorized representative(s).

13 H. "City Personnel" shall mean any City employee, representative,
14 agent or contractor designated by the City Manager to abate a public nuisance.

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

18 J. "Code Enforcement Fees" shall mean fees imposed by the City to
19 defray its costs of code enforcement actions including, but not limited to, the time and
20 other resources of public officials expended by them in identifying, inspecting,
21 investigating, seeking or causing the abatement of a violation at a residential structure
22 or property. These include, but are not limited to, site inspections, drafting reports,
23 taking photographs, procuring other evidence, engaging in meetings, conferences and
24 communications with responsible persons, their agents or representatives, concerning a
25 violation, as well as with attorneys for the City at any time, and appearances before
26 judicial officers or reviewing authorities during the pendency of a judicial proceeding and
27

ATTACHMENT 1

other appearances at such judicial or administrative hearings. The time and resources that public officials further expend to confirm that a residential structure remains free of public nuisances while a responsible person is on probation to a court or when a matter concerning a residential structure remains pending before a reviewing authority in an administrative action, shall also constitute code enforcement actions. For purposes of this definition:

1. "Residential structure and property" shall mean and include all structures and premises that are regulated by the California State Housing Law (California Health & Safety Code, Division 13, Part 1.5, Section 17910 et seq.) and any future amendments thereto, as well as any property within a residential zone as designated by the Culver City Zoning Code. These include, but are not limited to, apartment houses, hotels, motels, and dwellings, and residential building and structures thereto.

2. "Violation" shall mean and include a public nuisance as described in this Chapter, or any condition, activity, or use that is caused, allowed to exist, or maintained (whether due to an affirmative act, inaction, or omission) by a responsible person in violation of any other provision, regulation, or requirement of this Code, or any applicable County, State, or Federal laws or regulations.

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

L. "Compliance period" shall mean the period of time and/or required schedule set forth in a Notice of Abatement and/or an Order of Abatement within which all nuisance abatement actions referenced in such Notice of Abatement and/or Order of Abatement must be completed.

M. "Controlled Substances" shall mean any substance that is declared

ATTACHMENT 1

by State or Federal law to be a controlled substance.

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

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

P. "Hearing officer" shall mean the city employee or representative appointed by the City Manager, or a designee thereof, to hear all timely appeals from a Notice of Abatement.

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

R. "Inoperable vehicle" shall mean and include, without limitation, any vehicle that is incapable of being lawfully driven on a highway. Factors that may be used to determine this condition include, without limitation, vehicles that have a "planned non-operational" status with the California Department of Motor Vehicles, vehicles lacking a

ATTACHMENT 1

current registration, a working engine, transmission, wheels, inflated tires, doors, windshield or any other part or equipment necessary for its legal and safe operation on a highway or any other public right-of-way.

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

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

T. "Notice of Abatement" shall mean a Notice of Public Nuisance and Intention to Abate with City Personnel", as described in Section 9.04.110 of this Chapter.

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

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

ATTACHMENT 1

1 who has legal title, charge, control, or possession of such property.

2 W. “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 X. “Personal property” means property that is not real property, and
8 includes, without limitation, any appliance, article, device, equipment, item, material,
9 product, substance or vehicle.

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

22 Z. “Real Property” or “premises” means any real property owned by any
23 person and/or any building, structure, or other improvement thereon, or portions thereof.
24 “Real Property” or “premises” includes any parkway or unimproved public easement
25 abutting or adjacent to such real property, whether or not owned by the City of Culver
26 City.

ATTACHMENT 1

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

11 BB. “Structure” means that which is built or constructed, an edifice, wall,
12 fence, or building of any kind, or any piece of work artificially built up or composed of
13 parts joined together in some definite manner. For purposes of this Chapter, this
14 definition shall supersede any other definition of this term in the Culver City Municipal
15 Code.

16 CC. “Tarp” means a piece of plastic, canvas or other durable fabric such as
17 denim or polyvinyl typically fitted with metal grommets that is designed for temporary
18 protection of exposed objects or areas.

19 DD. “Vacant” shall mean real property or any building or structure thereon
20 that is not legally occupied. Factors that may be used to determine whether real
21 property, or building or structures thereon, is vacant include, but shall not be limited to,
22 overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, and/or
23 mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk,
24 and/or other debris; the absence of window coverings such as curtains, blinds, and/or
25 shutters; the absence of furnishings and/or personal items consistent with residential
26 and/or commercial furnishings consistent with the permitted uses within the zone of the
27

ATTACHMENT 1

real property; statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

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

SECTION 3: Section 9.04.015 is hereby added to Chapter 9.04 of Title 9 of the CCMC, to read as follows:

§ 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, real property or premises in the City in such a manner that:

A. 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" period shall mean any portion of time exceeding the period given to a responsible person by the City for the complete abatement of this nuisance condition with all

ATTACHMENT 1

required City approvals, permits and inspections. Factors that may be used by the City to establish a reasonable period for the complete abatement of this nuisance include, but are not limited to, the following:

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

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

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

(d) The scope and type of work that is needed to abate this nuisance.

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

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

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

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

ATTACHMENT 1

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

3. Real property, or any building or structure thereon, that is abandoned, uninhabited, or vacant for a period of more than six (6) months.

4. Abandoned personal property that is visible from public or private property.

5. Interior portions of buildings or structures (including, but not limited to attics, ceilings, walls floors, basements, mezzanines, and common areas) that have become defective, unsightly, or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values, or where such condition interferes with the peaceful use, possession and/or enjoyment of properties in the vicinity, or where such condition otherwise violates, or is contrary to, Culver City Municipal Code, or State law.

6. Exterior portions of buildings or structures (including, but not limited to, roofs, balconies, decks, fences, stairs, stairways, walls, signs and fixtures), as well as sidewalks, driveways and parking areas, that have become defective, unsightly, or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values, or where such condition interferes with the peaceful use, possession and/or enjoyment of adjacent properties, or where such condition otherwise violates, or is contrary to, the Culver City Municipal Code, or State law.

7. Clotheslines in front yard areas, or in side yard areas that are visible from the public right of way.

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

ATTACHMENT 1

9. Broken, defective, damaged, dilapidated, or missing windows, doors, or vents in a building or structure, and/or broken, defective, damaged, dilapidated, or missing screens for windows, doors, or crawl spaces in a building or structure.

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

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

(a) Vegetation likely to harbor, or promote the presence of rats, vermin or insects.

(b) Vegetation causing detriment to neighboring properties 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.

(2) Hedges, trees, lawns, plants, or other vegetation that are not maintained in a neat, orderly, and healthy manner as a result of lack of adequate mowing, grooming, trimming, pruning, fertilizing, watering, and/or replacement.

(c) Vegetation that creates, or promotes, the existence of a fire hazard.

(d) Vegetation that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk,

ATTACHMENT 1

street or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property.

(e) Tree branches or other vegetation within five feet (5') of the rooftop of a structure so as to facilitate rodent or animal access thereto.

12. Dead, decayed, diseased or hazardous trees, weeds, ground cover, and other vegetation, or the absence of healthful vegetation, that causes, contributes to, or promotes, 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.

(e) A detriment to public health, safety or welfare.

13. Any form of an attractive nuisance.

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

15. Garbage cans, yard waste containers, and recycling containers that are kept, placed or stored in front or side yards and visible from public streets or sidewalks, except when placed in places of collection at times permitted and in full compliance with this Code.

16. The keeping or disposing of, or the scattering or accumulating of flammable, combustible or other materials including, but not limited to, composting,

ATTACHMENT 1

1 firewood, lumber, junk, trash, debris, packing boxes, pallets, plant cuttings, tree
2 trimmings or wood chips, discarded items, or other personal property in interior or exterior
3 areas of buildings or structures, when such items or accumulations:

4 (a) Render premises unsanitary or substandard as defined
5 by the California Health and Safety Code, the Culver City Building Code, or any other
6 applicable local, state, or federal law, rule, or regulation; or,

7 (b) Violate the Culver City Health Code; or,

8 (c) Cause, create, or tend to contribute to, a fire or safety
9 hazard; or,

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

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

14 (f) Are visible from the public right of way; or

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

23 17. Vehicles, construction equipment, or other machinery
24 exceeding the permissible gross vehicle weight for the streets or public property upon
25 which they are located. A nuisance also exists under this provision when a vehicle,
26 construction equipment, or other machinery is stopped, kept, placed, parked, or stored
27

ATTACHMENT 1

on private real property and when such vehicle, equipment, or machinery exceeds the permissible gross vehicle weight for the streets or public property that were utilized in its placement on said private real property unless pursuant to a valid permit issued by the City.

18. 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.

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

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

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

22. Specialty structures that have been constructed for a specific single use only, and which are unfeasible to convert to other uses, and which are abandoned, partially destroyed or are permitted to remain in a state of partial destruction or disrepair. Such specialty structures include, but are not limited to, the following: tanks for gas or liquid(s), lateral support structures and bulk-heads, utility high-voltage towers and poles, utility high-rise support structures, electronic transmitting antennas and

ATTACHMENT 1

towers, structures which support or house mechanical and utility equipment and are located above the roof lines of existing buildings, high rise freestanding chimneys and smoke stacks, and recreational structures such as tennis courts and cabanas.

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

24. Causing, maintaining or permitting graffiti or other defacement of real or personal property, as defined in the Culver City Municipal Code or other applicable state law, to be present or remain on a building, structure or vehicle, or portion thereof, that is visible from a public right-of-way or from private real property.

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

26. Failure to provide and maintain adequate weather protection to structures or buildings, so as to cause, or promote the existence of cracked, peeling, warped, rotted, or severely damaged paint, stucco or other exterior covering.

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

28. Maintenance of any tarp or similar covering on or over any graded surface or hillside, except in the following circumstances:

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

ATTACHMENT 1

(b) Covering with a tarp performed pursuant to an active building or grading permit.

(c) Tarps installed during the period from December 1 through March 30 of each year, when required due to forecasted rain or other weather likely to damage or erode a hillside or graded surface.

29. Maintenance of any tarp or similar covering on or over any roof of any structure, except during periods of active rainfall, or when specifically permitted under an active roofing or building permit.

30. Unsanitary, polluted or unhealthful pools, ponds, standing water or excavations containing water, whether or not they are attractive nuisances but which are nevertheless 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.

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

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

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.

ATTACHMENT 1

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

F. 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.

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

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

SECTION 4: That section 9.04.040 of Chapter 9.04 of Title 9 of the CCMC is hereby amended as follows (strike through indicates a deletion; underlining indicates an addition):

§ 9.04.040 NUISANCE PROHIBITED; PENALTY.

A. It shall be unlawful for any person, firm or corporation to create, maintain or commit a nuisance as declared in this Chapter, or to conduct or maintain any condition or activity requiring a permit without obtaining same.

B. Notwithstanding any other provision of the Culver City Municipal Code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance,

ATTACHMENT 1

or any person who violates any provision of this Chapter, or who fails to comply with any obligation or requirement of this Chapter, is guilty of a misdemeanor violation punishable in accordance with Chapter 1.01 of Title 1 of this Code.

C. 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.

SECTION 5: Section 9.04.045 of Chapter 9.04 of Title 9 of the CCMC is hereby repealed and deleted in its entirety, and replaced as follows:

§9.04.045 MAINTENANCE STANDARDS FOR VACANT PROPERTY

In addition to the property maintenance requirements in this chapter, all vacant property shall also comply with the following maintenance requirements.

A. Access points. All means of ingress or egress to the property or structure on the property, including but not limited to, windows, doors, gates and fences that have been breached, vandalized, or damaged shall be boarded up and secured in compliance with Federal Housing Authority board-up standards.

B. Paint. All boards securing a breach in any ingress or egress on a structure shall be fully painted in such a manner as to compliment or match the paint color of the structure.

C. Temporary fencing. If the Community Development Director or Fire Marshal determines that the vacant property poses a threat to the health, safety and welfare of the general public, the Community Development Director or Fire Marshal shall order that the property be fenced with a temporary chain link fence or other type of secure fencing at a minimum height of six (6) feet from grade to secure the property. The temporary fence shall require a building permit and shall only be used in conjunction with an opaque screening material. The owner or responsible party shall maintain the fence in

ATTACHMENT 1

good repair and condition. If the fence is not maintained properly, the Community Development Director or Fire Marshal may order its removal and replacement. The fence shall be properly posted with no trespassing signs. The fence shall be kept clear of all other signs.

D. Emergency Contact. All vacant structures shall be visibly posted with the name and phone number of a responsible person.

SECTION 6: Sections 9.04.050 through 9.04.075, inclusive, of Chapter 9.04 of Title 9 of the CCMC are hereby repealed and deleted in their entirety, and reserved.

SECTION 7: A new Subchapter 9.04.100 et seq. (Sections 9.04.100 through 9.04.185) entitled "Administrative Procedures For Abatement of Nuisances" is hereby added to Chapter 9.04 of Title 9 of the CCMC, as follows:

Administrative Procedures For Abatement of Nuisances

§9.04.100 ABATEMENT OF PUBLIC NUISANCES

All conditions or uses that constitute a public nuisance as defined in this Chapter, or that are contrary to, or in violation of, any other provision or requirement of the Culver City Municipal Code, or of any applicable County or State law, or regulation thereof, which shall also constitute a public nuisance, shall be abated by repair, rehabilitation, demolition, removal or termination. The procedures for abatement in this part shall not be exclusive and shall not, in any manner, limit or restrict the City from pursuing any other remedies available at law, whether civil, equitable or criminal, or from enforcing City codes and adopted ordinances, or from abating or causing abatement of public nuisances, in any other manner provided by law.

§9.04.105 CONTINUING OBLIGATION OF RESPONSIBLE PERSONS TO ABATEMENT A PUBLIC NUISANCE.

A. Responsible persons shall not allow, cause, create, permit, suffer or

ATTACHMENT 1

maintain a public nuisance to exist on their premises. If public nuisances do arise or occur, responsible persons shall promptly abate them by repair, rehabilitation, demolition, repair, removal or termination with all required City approvals, permits and inspections, when applicable.

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

§9.04.110. NOTICE OF PUBLIC NUISANCE AND INTENTION TO ABATE WITH CITY PERSONNEL.

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

1. The address of the real property on which the nuisance condition(s) exist(s).
2. A description of the nuisance condition(s).
3. A reference to the law describing or prohibiting the nuisance condition(s).
4. A brief description of the required corrective action(s) and
5. A compliance period in which to complete the nuisance abatement actions (with all required City approvals, permits and inspections, when

ATTACHMENT 1

applicable).

6. The period and manner in which a responsible person may contest the Notice of Abatement as set forth in Section 9.04.125 of this Chapter. No such right shall exist when the City is not seeking to establish the right to abate a public nuisance with City forces or contract agents.

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

B. The procedure in Subsection A shall not apply to public nuisances constituting an imminent hazard. In such instances, the provisions in Section 9.04.160 ("Emergency Action to Abate an Imminent Hazard") shall be followed.

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

§9.04.115 ADDITIONAL REQUIREMENTS FOR DEMOLITION OF BUILDINGS OR STRUCTURES

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

B. The City shall serve a Notice of Abatement on all secured

ATTACHMENT 1

lienholders of record with the Los Angeles County Recorder's Office in the event abatement actions include demolition of a building or structure.

C. Notwithstanding the provisions of Section 9.04.135(A) of this Chapter, entry onto any real property to abate a public nuisance by demolition of a building or structure, excepting in cases involving an imminent hazard, shall be pursuant to a warrant issued by a court of competent jurisdiction.

D. The provisions of this section of this Code shall not apply if demolition is required to address an imminent hazard. In such situation, the provisions of Section 9.04.160 ("Emergency Action to Abate an Imminent Hazard") shall apply.

§9.04.120 SERVICE OF NOTICE

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

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

§9.04.125 RIGHT OF APPEAL FROM A NOTICE OF ABATEMENT

A. A responsible person may contest a Notice of Abatement by filing a written request for an appeal with the City Clerk's office (located at 9770 Culver Blvd.,

ATTACHMENT 1

Culver City, CA) within twenty (20) calendar days of service of the Notice of Abatement.
No fee shall be due for the filing of an appeal.

B. 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").
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.
6. The signature of at least one appellant.

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

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

§9.04.130 SAMPLE NOTICE OF ABATEMENT

ATTACHMENT 1

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

ATTACHMENT 1

Culver Boulevard, Culver City, CA) within twenty (20) 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.

6. The signature of at least one appellant.

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

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

ATTACHMENT 1

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

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

Dated: This _____ day of _____ 20__.

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

[End of Form]

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

§9.04.135. CONSEQUENCE FOR AN UNTIMELY APPEAL

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

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

ATTACHMENT 1

1 appeal.

2 **§9.04.140 ABATEMENT BY RESPONSIBLE PERSON PRIOR TO HEARING**

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

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

9 **§9.04.145 REVIEW BY HEARING OFFICER**

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

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

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

26 D. Appeal hearings are informal, and formal rules of evidence and
27
28

ATTACHMENT 1

discovery do not apply. The City bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a Notice of Abatement shall constitute prima facie evidence of the violation and the Code Enforcement Officer who issued the Notice of Abatement is not required to participate in the appeal hearing. The appellant, and the enforcement officer issuing the Notice, as well as all other responsible persons, shall have the opportunity to present evidence and to present and cross-examine witnesses. The appellant and the enforcement officer issuing the Notice of Abatement, or other responsible persons, may represent himself/herself/themselves or be represented by anyone of his/her/their choice. The appellant, or other interested persons, may bring an interpreter to the hearing at his/her/their sole expense. The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording.

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

§9.04.150 DECISION OF HEARING OFFICER; ORDER OF ABATEMENT

A. Not later than fifteen (15) calendar days following conclusion of the hearing, the hearing officer shall determine if any nuisance condition exists at the subject property. If the hearing officer determines that each nuisance condition described in the Notice of Abatement is non-existent, the Notice of Abatement shall be deemed cancelled. If the hearing officer determines that one or more of the nuisance conditions

ATTACHMENT 1

described in the Notice of Abatement exists, he/she shall issue a written Order of Abatement which shall contain the following:

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

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

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

D. The failure of any responsible person 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 constitutes a misdemeanor offense.

§9.04.155 ABATEMENT OF NUISANCE BY RESPONSIBLE PERSONS PRIOR TO CITY ABATEMENT ACTIONS

ATTACHMENT 1

1 A. Any responsible person shall have the right to fully abate a nuisance
2 in accordance with the Hearing Officer's decision prior to the date of entry of City
3 personnel upon the subject real property, provided that all corrective actions are
4 completed with all required City permits, approvals and inspections, prior to said entry
5 date. In such instances, all administrative proceedings shall be cancelled, with the
6 exception of the City's right to seek recovery of its incurred incidental expenses, Code
7 Enforcement Fees, and Attorney's Fees as provided by and pursuant to the provisions of
8 this Chapter.

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

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

14 D. All buildings, structures, and/or personal property that is removed by
15 City Personnel from premises in the abatement of a nuisance shall be lawfully disposed
16 of or destroyed without regard to its actual or salvage value.

17 **§9.04.160 EMERGENCY ACTION TO ABATE AN IMMINENT HAZARD**

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

23 B. Prior to abating nuisance that creates an imminent hazard, the City
24 Manager shall attempt to notify a responsible person by telephone or in writing of the
25 imminent hazard and request its abatement by said person; provided however, that the

26 City

ATTACHMENT 1

1 Manager may dispense with any attempt at prior notification of a responsible person if, in
2 the sole discretion of the City Manager, the nature or severity of the hazard justifies such
3 inaction. If notice has been so given, but, in the sole discretion of the City Manager, the
4 responsible person(s) fail(s) to take immediate and meaningful steps to abate the
5 imminent hazard, the City may abate the nuisance with City Personnel without further
6 notice, and charge the costs and fees thereof to the responsible person(s).

7 C. Within ten (10) business days following emergency action of City
8 Personnel to abate an imminent hazard, the City shall serve any responsible person with
9 a Notice of Emergency Abatement by City Personnel of an Imminent Hazard by both
10 certified mail, return receipt requested and first class mail. Notice to a property owner
11 shall be mailed to the mailing address set forth in the last equalized assessment roll of
12 the Los Angeles County Assessor's Office. Failure of any responsible person to receive a
13 properly addressed Notice of Emergency Abatement by City Personnel of an Imminent
14 Hazard by mail shall not invalidate any action or proceeding pursuant to this Chapter.

15 D. A Notice of Emergency Abatement by City Personnel of an Imminent
16 Hazard shall contain the following provisions:

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

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

22 3. A brief description of the law prohibiting or pertaining to the
23 imminent

24 4. A brief description of the actions City Personnel took to abate
25 the imminent hazard.

26 E. Omission of any of the foregoing provisions in a Notice of
27

ATTACHMENT 1

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

F. Emergency abatement of an imminent hazard by City Personnel shall not preclude the City from recording a Notice of Substandard Property in accordance with the provisions of Section 9.04.200 of this Chapter, if conditions thereafter remain at the premises that constitute a violation of law or a public nuisance.

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

§9.04.165 COMBINATION OF NOTICES

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

§9.04.170 ESTABLISHMENT OF COSTS OF ABATEMENT

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

B. The City shall serve a Statement of Abatement Costs on the responsible persons within ninety (90) calendar days of the City's completion of nuisance abatement actions. Service of this statement may be made in the manner provided for in Section 9.04.120 of this Chapter.

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

D. A responsible person has the right to contest a Statement of Abatement Costs by filing a written request for contest with the City Clerk's Office (located at 9770 Culver Blvd., Culver City, CA) within twenty (20) calendar days of service of the Statement of Abatement Costs.

ATTACHMENT 1

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

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

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

7 (c) Date of the Statement of Abatement Costs being
8 appealed.

9 (d) Description of the specific Abatement Cost being
10 contested, and a statement of the grounds for contest in sufficient detail to enable the
11 City Council to understand the nature of the controversy.

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

13 E. Failure of the City Clerk to receive a timely appeal request for
14 contest constitutes a waiver of the right to contest a Statement of Abatement Costs. In
15 this event, the Statement of Abatement Costs is final and binding, and the City may
16 proceed to collect its Abatement Costs as contained in a final Statement of Abatement
17 Costs in any manner allowed by law.

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

26 G. Any request by an appellant to continue a hearing must be submitted
27
28

ATTACHMENT 1

1 to the City Clerk in writing no later than five (5) business days before the date scheduled
2 for the hearing. The City Council may continue a hearing for good cause or on its own
3 motion; however, in no event may the hearing be continued for more sixty (60) calendar
4 days without stipulation by all parties.

5 H. At the time and place fixed for receiving and considering the request
6 to contest the Statement of Abatement Costs, the City Council shall hear and pass upon
7 the evidence submitted by City Personnel, together with any objections or protests
8 raised by responsible persons liable for said costs. Testimony and evidence shall be
9 limited to issues related to the abatement costs, and no person shall be permitted to
10 present evidence or testimony challenging the existence of a public nuisance or manner
11 of abatement as described in the Notice of Abatement. Thereupon, the City Council may
12 make such revision, correction or modification to the statement as it may deem just,
13 after which the statement, as it is submitted, or as revised, corrected or modified, shall
14 be confirmed. The hearing may be continued from time to time.

15 I. The decision of the City Council is final.

16 J. The City Clerk shall cause a confirmed Statement of Abatement
17 Costs to be served upon all persons who contested the original statement by first class
18 mail to the address(es) stated on the request form. The City Clerk shall cause a
19 confirmed Statement of Abatement Costs to be served on the owner of the property on
20 which Cit personnel abated a public nuisance by first class mail to the address shown on
21 the last equalized assessment roll (irrespective of whether the owner contested the
22 Statement of Abatement Costs). This document shall also contain the following
23 statement: "The determination of the City Council is final and binding. This document
24 shall also contain the following statement: "The decision of the City Council is final and
25 binding. Judicial review of the this decision is subject to the provisions and time limits
26 set forth in California Code of Civil Procedure Sections 1094.6 et seq."

ATTACHMENT 1

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

4 L. A responsible person shall tender the Abatement Costs in U.S.
5 Currency to the City within thirty (30) calendar days of the date of service of the
6 confirmed Statement of Abatement Costs. The City may thereafter proceed to collect its
7 Abatement Costs as contained in the confirmed Statement of Abatement Costs in any
8 manner allowed by law.

9 **§9.04.175 COLLECTION OF ABATEMENT COSTS BY SPECIAL ASSESSMENT**

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

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

18 The property may be sold after three years by the tax collector for unpaid
19 delinquent assessments. The tax collector's power of sale shall not be
20 affected by the failure of the property owner to receive notice. The
21 assessment may be collected at the same time and in the same manner as
22 ordinary municipal taxes are collected, and shall be subject to the same
23 penalties and the same procedure and sale in case of delinquency as
24 provided for ordinary municipal taxes. All laws applicable to the levy,
25 collection and enforcement of municipal taxes shall be applicable to the
26 special assessment. However, if any real property to which the cost of
27
28

ATTACHMENT 1

1 abatement relates has been transferred or conveyed to a bona fide
2 purchaser for value, or if a lien of a bona fide encumbrancer for value has
3 been created and attaches thereon, prior to the date on which the first
4 installment of the taxes would become delinquent, then the cost of
5 abatement shall not result in a lien against the real property but instead
6 shall be transferred to the unsecured roll for collection.

7 C. The City Attorney or City Prosecutor shall establish the Notice of
8 Special Assessment form for use, or consideration by, the Tax Collector in collecting a
9 special assessment.

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

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

14 **§9.04.180 COLLECTION OF COSTS OF ABATEMENT BY NUISANCE** 15 **ABATEMENT LIEN**

16 A. As an alternative to the procedure contained in Section 9.04.175 of
17 this Chapter, the City may cause a nuisance abatement lien to be recorded upon real
18 property upon which a public nuisance was abated pursuant to California Government
19 Code, Section 38773.1, and future amendments thereto, in the event a Statement of
20 Abatement Costs or a confirmed Statement of Abatement Costs is not paid in a timely
21 manner.

22 B. A lien shall not be recorded prior to serving the owner of record of
23 the parcel of land on which the public nuisance is maintained, with a notice. This
24 document shall be served in the same manner as a summons in a civil action in
25 accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of
26 Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot
27

ATTACHMENT 1

1 be found, the notice may be served by posting a copy thereof in a conspicuous place
2 upon the property for a period of 10 days and publication thereof in a newspaper of
3 general circulation published in Los Angeles County pursuant to Section 6062 of the
4 California Government Code.

5 C. The nuisance abatement lien shall be recorded in the Los Angeles
6 County Recorder's office in the County in which the parcel of land is located and from the
7 date of recording shall have the force, effect, and priority of a judgment lien.

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

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

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

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

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

24 **§9.04.185 TREBLE THE COSTS OF ABATEMENT**

25 Pursuant to California Government Code section 38773.7 (or any
26 subsequent amendment thereto), upon entry of a second or subsequent civil or criminal
27

ATTACHMENT 1

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.

SECTION 8: Subchapter 9.04.200 et seq. (Sections 9.04.200 through 9.04.270), of Chapter 9.04 of Title 9, entitled "Graffiti" is hereby renumbered, as 9.04.300 through 9.04.370, as follows:

Graffiti

- 9.04. 300 Prevention and removal of graffiti
- 9.04. 305 Definitions
- 9.04. 310 Graffiti prohibited
- 9.04. 315 Possession of graffiti implement
- 9.04. 320 Removal policy
- 9.04. 325 Authorization to remove; methods
- 9.04. 330 Notice to abate; appeal; abatement by city
- 9.04. 335 Recovery of costs
- 9.04. 340 Failure to remove graffiti upon notice
- 9.04. 345 Alternative actions
- 9.04. 350 Reward for information
- 9.04. 355 Parental responsibility
- 9.04. 360 Penalty for violation
- 9.04. 365 Community service
- 9.04. 370 Suspension or delay of driving privileges

SECTION 9: A new Subchapter 9.04.200 et seq. entitled "Recordation, Enforcement Fees and Attorney's Fees" (Sections 9.04.200 through 9.04.220) is hereby added to Chapter 9.04 of Title 9, as follows:

Recordation, Enforcement Fees and Attorney's Fees

ATTACHMENT 1

§9.04.200. RECORDATION OF SUBSTANDARD NOTICE

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 Notice 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. The City may record a Notice of Substandard Property without the issuance of a Notice of Abatement, provided that a written notice of violation or a written notice of correction to a responsible person previously disclosed that a Substandard Notice may be recorded against a property if a violation is not fully abated or corrected in the manner and time delineated in said notice.

C. A Notice of Substandard Property may be recorded after service of a Notice of Abatement provided that: (i) the Notice of Abatement contained this disclosure, (ii) the public nuisance was not, as determined by the City, fully abated or corrected in the manner and time specified in the Notice of Abatement, and, (iii) a timely and proper appeal to the Notice of Abatement was not made.

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

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

F. The City shall cause copies of recorded Notices of Substandard

ATTACHMENT 1

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

§9.04.205. CODE ENFORCEMENT FEES

A. Pursuant to California Health and Safety Code Section 17951, and any successor statute thereto, responsible persons, who cause, allow, permit, suffer, or maintain a violation in, or upon, residential properties, shall be charged fees (hereafter "Code Enforcement Fees") by the City to defray its costs of code enforcement actions, as hereafter defined. Such fees shall not exceed the amount reasonably required to achieve this objective and are chargeable whether the City's code enforcement actions occur in the absence of formal administrative or judicial proceedings, as well as prior to, during, or subsequent to, the initiation of such proceedings.

B. The amount(s) or rate(s) of Code Enforcement Fees for City Personnel time and other resources that are used for code enforcement actions shall be established, and may thereafter be amended, by resolution by the City Council.

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

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

E. Code Enforcement Fees shall be recoverable in conjunction with any civil, administrative or criminal action to abate, cause the abatement or cessation of, or

ATTACHMENT 1

otherwise remove a violation or a public nuisance.

F. Failure to pay Code Enforcement Fees shall constitute a debt that is collectible in any manner allowed by law.

§9.04.210. RECOVERY OF ATTORNEY'S FEES

A. A prevailing party in any administrative, civil or equitable judicial action to abate, or cause the abatement of a public nuisance as defined in this Chapter, or in any appeal or other judicial action arising therefrom, may recover reasonable attorney's fees in accordance with the following subsections:

1. Attorney's fees are not recoverable by any person as a prevailing party unless the City Manager, or a designee thereof, or an attorney for, and on behalf of, the City, elects in writing to seek recovery of the City's attorney's fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the City.

2. The City is the prevailing party when an administrative or judicial determination is made or affirmed by which a person is found to be responsible for one or more conditions or activities that constitute a public nuisance. A person is the prevailing party only when a final administrative or judicial determination completely absolves that person of responsibility for all conditions or activities that were alleged, in that action or proceeding, to constitute a public nuisance. An administrative or judicial determination that results in findings of responsibility and non-responsibility on the part of a person for conditions or activities that were alleged in that action or proceeding to constitute a public nuisance, shall nevertheless result in the City being the prevailing party.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

§9.04.215. APPLICABILITY OF OTHER LAWS

B. The procedures for abatement set forth in this Chapter are not exclusive and are in addition to any other provisions set forth in this Code or by State law for the abatement of public nuisances.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.”

SECTION 11: Subchapter 9.04.600 et seq. (Sections 9.04.600 through 9.04.610) of Chapter 9.04 of Title 9 of the CCMC, entitled “Administrative Charges” is hereby deleted in its entirety and reserved.

ATTACHMENT 1

SECTION 12: Section 1.01.065 "Municipal Code Appeals Committee" is hereby added to Chapter 1.01 of Title 1 of the CCMC, as follows:

§1.01.065 MUNICIPAL CODE APPEALS COMMITTEE

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

SECTION 13: Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 14: Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three (3) places within the City.

SECTION 15: City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

APPROVED and ADOPTED this _____ day of _____, 2009.

ATTACHMENT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

D. SCOTT MALSIN, Mayor
Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE,
City Clerk

CAROL A. SCHWAB,
City Attorney

CHAPTER 9.04: NUISANCES

Section

General Provisions

[9.04.005](#) Purpose

[9.04.010](#) Penalty

[9.04.020](#) Nuisances declared and prohibited

[9.04.025](#) Nuisances affecting public safety, dangerous conditions, fire hazards, and the like

[9.04.030](#) Nuisances affecting health; contaminating materials

[9.04.035](#) Application for permit

[9.04.040](#) Nuisance prohibited

[9.04.045](#) Conditions precedent to imposition of city lien

[9.04.050](#) Order to abate

[9.04.055](#) Abatement by city

[9.04.060](#) Lien

[9.04.065](#) Failure to report

[9.04.070](#) Summary abatement

[9.04.075](#) Enforcement as misdemeanor

Graffiti

[9.04.200](#) Prevention and removal of graffiti

[9.04.205](#) Definitions

[9.04.210](#) Graffiti prohibited

[9.04.215](#) Possession of graffiti implement

ATTACHMENT 2

- [9.04.220](#) Removal policy
- [9.04.225](#) Authorization to remove; methods
- [9.04.230](#) Notice to abate; appeal; abatement by city
- [9.04.235](#) Recovery of costs
- [9.04.240](#) Failure to remove graffiti upon notice
- [9.04.245](#) Alternative actions
- [9.04.250](#) Reward for information
- [9.04.255](#) Parental responsibility
- [9.04.260](#) Penalty for violation
- [9.04.265](#) Community service
- [9.04.270](#) Suspension or delay of driving privileges

Property Maintenance

- [9.04.400](#) Public nuisance; defined; violations; exceptions
- [9.04.405](#) Classification of certain nuisances
- [9.04.410](#) Abatement of nuisances by repair, rehabilitation, demolition, or removal
- [9.04.415](#) Declaration of nuisance
- [9.04.420](#) Notice of nuisance and/or administrative charges
- [9.04.425](#) Hearing regarding nuisance abatement and/or administrative charges
- [9.04.430](#) Form of notice of hearing
- [9.04.435](#) Posting and serving notice
- [9.04.440](#) Form of proper service of notice
- [9.04.445](#) Hearing by Municipal Code Appeals Committee; decision
- [9.04.450](#) Limitation on filing judicial action

ATTACHMENT 2

[9.04.455](#) Service of order to abate; abatement procedure

[9.04.460](#) Record of cost for abatement

[9.04.465](#) Report; hearing and proceedings

[9.04.470](#) Assessment of costs against property lien

[9.04.475](#) Alternative remedies

Administrative Charges

[9.04.600](#) Purpose

[9.04.605](#) Imposition of administrative charges

[9.04.610](#) Collection of administrative charges

Cross-reference:

[Abandoned vehicles, see Ch. 9.05](#)

[Unruly parties and gatherings; law enforcement costs, see §§ 9.06.005 through 9.06.025](#)

[Newsracks, see §§ 9.08.600 through 9.08.675](#)

GENERAL PROVISIONS

§ 9.04.005 PURPOSE.

The purpose of the provisions of this Chapter is to protect the inhabitants of the City against all forms of nuisances, public or private, not specifically prohibited by State Law.

('65 Code, § 22-0) (Ord. No. CS-24 § 1; Ord. No. 96-034 § 1)

§ 9.04.010 PENALTY.

A. Unless otherwise specified, a violation of any of the provisions of this Chapter shall be deemed a misdemeanor, and shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), six (6) months in jail, or both.

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

ATTACHMENT 2

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

('65 Code, § 22-1) (Ord. No. 96-034 § 2)

§ 9.04.020 NUISANCES DECLARED AND PROHIBITED.

The following are declared to be nuisances and prohibited:

A. Unnecessary noises.

1. Any loud, boisterous or unusual noise, disturbance or commotion in any hotel, motel, apartment house, court, rooming house, auto court, trailer camp, dwelling or other structure, or upon any public street, park, public place or building. (Ord. No. CS-24(a))

2. Any unnecessary noises or sounds by persons, animals or fowl, or by automobiles, motorcycles, engines, machines or other mechanical devices, which are disturbing to the inhabitants of the City. (Ord. No. CS-24 § 2(i))

B. Musical instruments, radios, and the like, in residential districts or immediately adjacent thereto, between 10:00 p.m. and 8:00 a.m. The using, operating or permitting to be played, used or operated, of any musical instrument, radio or phonograph or amplifying device, in such manner as to disturb the peace, comfort or repose of the neighboring inhabitants; the conducting or carrying on of band or orchestral concerts or rehearsals or practice wherein any occupied adjoining building is nearer than 200 feet. (Ord. No. CS-24 § 2(b))

C. Loud speakers and amplifying devices in public places — permit required. The playing or operating, or permitting the playing or operating, of any musical instrument, radio or phonograph, or the operation and use of any loud speaker or sound amplifying device, either mobile or stationary, through which device the spoken word, or other sounds, are produced or reproduced in such increased volume as to be clearly audible to a person of normal hearing under normal and ordinary conditions, for a distance of more than 200 feet from the source of such sound, upon the public street, or in any public place, or outside of any doorway of any building facing upon a business street in the City, except in compliance with the terms and conditions of a permit sought from and issued by the City. (Ord. No. CS-24 § 2(c)(g))

D. Mechanical noise or construction noise near residential zones.

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

ATTACHMENT 2

2. The use of any of the foregoing in construction or excavation work between the hours of 7:00 p.m. and 8:00 a.m., on a weekday, or between the hours of 7:00 p.m. and 9:00 a.m. on a Saturday, or between the hours of 7:00 p.m. and 10:00 a.m. on a Sunday, which causes any loud or unusual noise or sound disturbing the peace of residents of a residentially zoned neighborhood.

E. *Mechanical devices, and the like, interfering with business or industrial operations.* The operation of any automobile, motorcycle, engine, machine or mechanical device or other contrivance or facility, or the carrying on of any trade or business, any loud or unusual noise or sound from which interferes with the transaction or conduct of any business or industrial operation in the surrounding area, unless the making of such noise is incident to the construction or repair of buildings or equipment or is otherwise necessary to the protection or preservation of the property from which such noise or sound emanates. (Ord. No. CS-24 § 2(f))

F. *Vulgar or obscene language through loud speaker.* The uttering through any loud speaker, sound making or sound amplifying device, or otherwise, of any obscene, vulgar, profane or indecent language, or uttering language intending to, or which would reasonably be expected to, incite riot, destruction or damage to property or injury to any person, or intended to, or which would reasonably be expected to, incite others to do any unlawful act or which utterance would reasonably be expected to create a condition which would result in a clear and present danger of the commission of such unlawful acts.

G. *Automobile “for sale” signs prohibited.* It shall be unlawful for the operator of any vehicle to park upon any street in the City and display upon such parked vehicle a “For Sale” sign.

H. *Sale of merchandise or soliciting from automobile prohibited.* It shall be unlawful for any person to park or stand any vehicle on the streets of the City for the purpose of soliciting funds or selling goods or merchandise from such vehicle, except pursuant to a valid City license.

I. *Unlawful use of motor vehicles.* It shall be unlawful to drive any vehicle upon the streets of the City exclusively for advertising purposes or to use such vehicle as a base of operation for the sale of merchandise, the solicitation of funds or the sale of tickets or chances on any raffle or drawing.

J. *Advertising vehicle prohibited.* It shall be unlawful for any person to use a vehicle or a place of business from which to broadcast or project by amplification or loudspeaker attachments any advertising matter to the annoyance of the public.

K. *Permit required for operation of advertising vehicles.* It shall be unlawful to drive any vehicle which is projecting advertising information of any kind without a permit obtained from the Chief of Police of the City, upon a showing that the public will

ATTACHMENT 2

not be annoyed thereby and that no use thereof will be employed between the hours of 9:00 p.m. and 9:00 a.m. of the following day.

(Ord. No. CS-24 § 2(h); Ord. No. CS-751 § 1; Ord. No. CS-809 § 2; Ord. No. 84-017 § 1)

L. Use of leaf blowers restricted.

1. No person shall use or operate any leaf blower or other portable machine powered with an internal combustion engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns and other surfaces without first having obtained a permit pursuant to this Section issued by the Fire Marshal.

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

3. It shall be unlawful for any person to operate a leaf blower or other machine described in Subsection L.1. within the City of Culver City between the hours of 6:00 p.m. and 8:00 a.m. on a weekday or between 5:00 p.m. and 10:00 a.m. on a Saturday or Sunday.

4. The Fire Marshal may revoke a permit issued pursuant to Subsection L.1. to any violation of Subsection L.3.

5. An applicant for a permit who has had a permit revoked or been convicted of or plead guilty or no contest to a criminal charge alleging a violation of Subsection L. within the prior six (6) months shall not be issued a permit.

M. Graffiti. The maintenance of any inscription, figure, drawing, verbal message, lettering, or symbolic message, whether in design or symbol, which is visible from any public right-of-way or other place to which the public is admitted, and which is scratched, carved, written, drawn, painted or sprayed on any real property or structure in public or private ownership, and which is not in compliance with sign regulations of the Culver City Municipal Code as amended from time to time.

('65 Code, § 22-2) (Ord. No. CS-24 § 2(h); Ord. No. CS-751 § 1; Ord. No. CS-809 § 2; Ord. No. 84-017 § 1; Ord. No. 87-017 § 1; Ord. No. 91-006 § 1 (part))

Cross-reference:

[*Noise regulations, see Ch. 9.07*](#)

§ 9.04.025 NUISANCES AFFECTING PUBLIC SAFETY, DANGEROUS CONDITIONS, FIRE HAZARDS, AND THE LIKE.

ATTACHMENT 2

The following are prohibited as nuisances affecting public safety. Causing, maintaining, tolerating, permitting, or allowing:

- A. Trees, hedges, vegetable growth or billboards, walls, fences or other structures to be so located with respect to driveways or street intersections as to prevent a clear view of approaching vehicles;
- B. Hedges, trees, shrubs or other vegetable matter or other material of inflammable character within twenty (20) feet of a dwelling used for human habitation;
- C. Buildings, walls and other structures which have been damaged by fire, decay or otherwise, which cannot be repaired to conform to the City Building Code;
- D. Buildings and alterations to buildings in violation of the City Building Code located within the established fire limits of the City;
- E. Waste water, rubbish, garbage, debris or excavations on, in or over and across any public or private property;
- F. Hanging signs, awnings and other similar structures over the streets or sidewalks, or barbwire fences, limbs of trees, shrubs, hedges, or vegetable growth so situated as to endanger persons traversing the streets or sidewalks in the immediate area thereof;
- G. Dangerous, unguarded machinery in any business place or so situated or operated on private property as to attract members of the public;
- H. Any other situation, condition, or thing which creates, or may reasonably be expected to create a clear and present danger of injury or damage to any person or property;
- I. 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;
- J. Keeping or maintaining snakes or other reptiles, or bees or other insects within the City Limits, unless a permit therefor has been obtained from the City Council, on application regularly filed, setting forth the location and manner in which said reptiles or insects are to be kept.

('65 Code, § 22-3) (Ord. No. CS-24 § 2(l,m,n); Ord. No. 99-002, § 1)

§ 9.04.030 NUISANCES AFFECTING HEALTH; CONTAMINATING MATERIALS.

The following are prohibited as nuisances affecting health. Permitting or allowing:

ATTACHMENT 2

A. The keeping or maintaining of decayed or unwholesome food, sold or offered for sale to the public;

B. The accumulation of manure, rubbish or debris or animal or vegetable matter of any kind from which foul smells or odors emanate or which provide a breeding place for vermin, insects or rodents of any kind;

C. 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, or keeping, maintaining or permitting to be kept or accumulated on tiny private property ponds or pools of stagnant or waste water:

D. Noxious weeds and other rank growth or vegetation on private property;

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

('65 Code, § 22-4) (Ord. No. CS-24 § 2(o))

§ 9.04.035 APPLICATION FOR PERMIT.

Whenever in this Chapter a permit is required for the doing of any of the acts or things herein enumerated, the City Manager, the Health Officer, Division Head or other authorized official shall require a written application to be filed, giving such details as may be necessary to determine whether there is a clear and present danger of the thing, act, or operation covered by said application, adversely or detrimentally affecting the public welfare.

('65 Code, § 22-5) (Ord. No. CS-24 § 4; Ord. No. 2006-009 § 22 (part))

§ 9.04.040 NUISANCE PROHIBITED.

It shall be unlawful for any person, firm or corporation to create, maintain or commit a nuisance as declared in this Chapter, or to conduct or maintain any condition or activity requiring a permit without obtaining same.

('65 Code, § 22-6) (Ord. No. CS-24 § 4)

§ 9.04.045 CONDITIONS PRECEDENT TO IMPOSITION OF CITY LIEN.

If the nuisance complained of is not of such nature as requires summary abatement for the protection of the public health, safety, or morals, the person, persons, company or corporation charged with the responsibility of abating or eliminating said nuisance shall

ATTACHMENT 2

be allowed a reasonable time within which to comply, after notice of the existence of such nuisance has been received, prior to the imposition of a lien in favor of the City following City's abatement of such nuisance.

('65 Code, § 22-7)

§ 9.04.050 ORDER TO ABATE.

A. *Notice form.* The heading of the notice shall be "Order to Abate," and shall be substantially in the following form:

ORDER TO ABATE

To _____

Address _____

NOTICE IS HEREBY GIVEN that there exists on property which appears to be owned or controlled by you, certain objectionable conditions in violation of Chapter _____, Subchapter _____ of the Culver City Municipal Code and/or of Section _____ of the _____ Code of the State of California, as follows:

This condition must be abated prior to _____ and the following procedure is suggested: _____

CITY OF CULVER CITY,

By _____

Department Head

Receipt of the above notice is hereby acknowledged this ____ day of _____, and I hereby agree to have the condition referred to corrected not later than _____.

Owner - Manager

('65 Code, § 22-8)

B. *Failure to comply.* Failure to comply with Order to Abate, within specified time, shall result in the issuance of an Order to Show Cause why complaint should not be issued. ('65 Code, § 22-9) (Ord. No. CS-24 § 5)

ATTACHMENT 2

§ 9.04.055 ABATEMENT BY CITY.

If after the expiration of the time allowed, after the hearing on said Order to Show Cause, said nuisance has not been abated, the City Council may order the necessary work to be done to correct the objectionable condition complained of, and the cost of such work, including material, labor and incidental expenses, shall constitute a lien against the property on which said nuisance is located.

('65 Code, § 22-10) (Ord. No. CS-24 § 6)

§ 9.04.060 LIEN.

The City Attorney shall prepare and record in the office of the County Recorder or other proper public office, an instrument claiming, on behalf of the City, such lien against property on which the nuisance was abated by the City, said lien to be foreclosed and the amount thereof collected in the same manner and under the same procedure as provided for the foreclosure of mortgages on real property under the provisions of the Code of Civil Procedure of the State of California.

('65 Code, § 22-11) (Ord. No. CS-24 § 6)

§ 9.04.065 FAILURE TO REPORT.

Any person failing to report to the Health Officer, Department Head, or other authorized official, at the time and place designated in the Order to Show Cause, shall be guilty of a misdemeanor.

('65 Code, § 22-12) (Ord. No. CS-24 § 7)

§ 9.04.070 SUMMARY ABATEMENT.

Utmost caution shall be exercised to guard against any unnecessary damage to person or property involved in the summary abatement of a nuisance by the Health Officer or Division Head. Where circumstances permit, before proceeding with such abatement, an endeavor shall be made to contact the owner of the premises by telephone or telegraph.

('65 Code, § 22-13) (Ord. No. CS-24 § 8)

§ 9.04.075 ENFORCEMENT AS MISDEMEANOR.

Nothing shall be construed within this Chapter as to prohibit or delay the filing of a misdemeanor complaint charging violation of any of its provisions.

('65 Code, § 22-14) (Ord. No. CS-24 § 9)

ATTACHMENT 2

GRAFFITI

§ 9.04.200 PREVENTION AND REMOVAL OF GRAFFITI.

Whenever the City Manager or his designee determines that graffiti is located on public property not owned by the City of Culver City, or on private property, so as to be visible to a person utilizing any public street or highway in the City of Culver City, including but not limited to any roadway, parkway, sidewalk or alley, then the City Manager or his/her designee is authorized to expend City funds for the removal of the graffiti. Removal of the graffiti at public expense shall be restricted to the painting and repair of only the area where the graffiti is located.

('65 Code, § 22-10.1) (Ord. No. 91-006 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.205 DEFINITIONS.

For the purpose of this Subchapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it is apparent from the context that a different meaning was intended:

AEROSOL CONTAINER. Any aerosol based container, bottle, spray device or other mechanism, which is adopted or made for the purpose of spraying paint, ink, dye or other similar substance.

BONA FIDE EVIDENCE OF MAJORITY AND IDENTITY. Any document evidencing the age and identity of an individual which has been issued by a Federal, State or local government entity, and includes, but is not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification issued by a member of the armed forces.

CITY MANAGER. The ***CITY MANAGER*** for the City of Culver City appointed by the City Council, or his or her designee.

FELT TIP MARKER. Any indelible marker, pen or similar implement which contains a fluid which cannot be removed with plain water and has a flat, pointed or angled tip which at its broadest width is greater than one-eighth (1/8th) inch.

GRAFFITI. Writings, drawings or inscriptions of any type which, in the determination of the City Manager, has any of the following characteristics.

1. Insults or incites hatred or contempt of any racial, religious or ethnic group;
2. Refers to the name of a gang or includes words or symbols associated with a gang or individual;
3. Insults or threatens any identifiable individual or group;

ATTACHMENT 2

4. Includes obscene or indecent language or depictions;
5. Constitutes an aesthetic blight or eyesore to a neighborhood;
6. Tends to attract more graffiti; and
7. Promotes criminal activity or promotes retaliatory action by an individual(s).

GRAFFITI IMPLEMENT. An aerosol container, a felt tip marker, nail polish, shoe polish, paint stick, etching instrument, or any other device containing paint, ink, chalk, dye or similar substance which when used or applied is capable of defacing glass, metal, concrete, wood composites, or fabric.

GRAFFITI OFFENSE. The unauthorized application of paint, ink, chalk, dye or the use of any other instrument to deface, damage or destroy public and private buildings, structures, or any portion thereof.

PAINT STICK or GRAFFITI STICK. Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance that cannot be removed with plain water and is capable of being applied to a surface by pressure, and upon application, leaves a mark at least one-eighth (1/8th) inch in width.

('65 Code, § 22-10.2) (Ord. No. 94-027 § 3 (part); Ord. No. 2006-009 §§ 19, 22 (part))

§ 9.04.210 GRAFFITI PROHIBITED.

A. It is unlawful for any person to apply or attempt to apply graffiti to any public or privately owned structure located on public or privately owned real property within the City. There is no presumption that any person has a right to apply graffiti, as herein described, on any public or private property within the City.

B. It shall be unlawful for any owner, lessee, occupant or other person having present possession of a lot or parcel of land within the City to (1) permit graffiti to remain upon such lot or parcel of land or (2) to maintain any structure affixed to such lot or parcel of land with graffiti on such structure or any portion thereof, for a period in excess of forty-eight (48) hours following service by the City of a notice to abate graffiti. Each day the graffiti is maintained beyond the initial forty-eight (48) hours period hereby constitutes a separate offense and is subject to the penalties set forth in § [9.04.240](#).

('65 Code, § 22-10.3) (Ord. No. 94-027 § 3 (part))

§ 9.04.215 POSSESSION OF GRAFFITI IMPLEMENT.

No person under the age of eighteen (18) years and not in the presence of a parent or legal guardian shall have in his or her possession a graffiti implement, as defined by § [9.04.205](#), while in any public park, playground, swimming pool, public recreational

ATTACHMENT 2

facility or any public right-of-way in the City unless necessary in order to participate in any City or School District sponsored function. This Section shall not apply to authorized employees of the City of Culver City nor shall it apply to the authorized agents or contractors under contract with the City.

('65 Code, § 22-10.4) (Ord. No. 94-027 § 3 (part))

§ 9.04.220 REMOVAL POLICY.

The City Manager or his/her designee shall develop a graffiti removal program to assist property owners in the expeditious removal of graffiti from their property. Notwithstanding any other provision of this Subchapter, the City shall be authorized to recover its costs incurred in the removal of graffiti from private property if:

A. The removal of graffiti or other inscribed material from privately owned real property exceeds four (4) requests from the City to the property owner or occupant or a maximum of six hundred (600) square feet per privately owned real property during one (1) calendar year, which is not removed by the property owner or occupant.

B. Where the removal of graffiti has been mandated pursuant to § [9.04.230](#), the owner of the affected property shall reimburse the City for such services.

C. Nothing in this Subchapter shall prohibit the City Manager or his/her designee from waiving the provisions of this Section if it can be determined that the affected property owner has demonstrated a conscientious effort to prevent graffiti from occurring on their property as exhibited by, but not limited to, the installation of security devices such as surveillance cameras, security lighting, sprinklers linked to motion sensors; protective or covering landscaping; graffiti resistant building materials; or the application of graffiti-resistant paint.

('65 Code, § 22-10.5) (Ord. No. 94-027 § 3 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.225 AUTHORIZATION TO REMOVE; METHODS.

Graffiti may be removed by any of the following methods:

A. Whenever the City Manager determines that writings or other inscriptions constitutes “graffiti” as defined in § [9.04.205](#) and is so located on public or privately owned property within the City so as to be capable of being viewed by a person utilizing any public right-of-way in the City, the City Manager is authorized to provide for the removal of the graffiti or other inscribed material upon advising the property owner that removal will be undertaken by the City if not removed within forty-eight (48) hours of notification of the existence of graffiti. The City Council has determined that the failure to remove graffiti constitutes a public nuisance which permits the City by and through its authorized representative to enter on private property to abate the declared public nuisance, without additional notice to or authorization from the landowner.

ATTACHMENT 2

1. In removing the graffiti or other inscribed material, the painting or repair of a more extensive area shall not be authorized.

2. Where a structure is owned by a public entity other than this City, the removal of the graffiti or other inscribed material is authorized after notifying the public entity having jurisdiction over the structure and such entity fails to remove the graffiti within forty-eight (48) hours after receipt of notice to abate the graffiti.

B. Graffiti which is located on privately owned structures on privately owned real property within the City and which can be viewed by a person utilizing any public right-of-way within the City may be removed by the City at the owner's expense as a public nuisance pursuant to § [9.04.230](#). This Section shall apply under the following circumstances:

1. The private property owner has persuaded, allowed or encouraged the graffiti problem;

2. The City Manager determines that the removal of graffiti or other inscribed material from a privately owned property has exceeded four (4) requests from the City or a maximum of six hundred (600) square feet per privately owned real property during one (1) calendar year and the property owner has not removed the graffiti within the required time after a notice to abate has been given as described in § [9.04.230](#) below.

('65 Code, § 22-10.6) (Ord. No. 94-027 § 3 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.230 NOTICE TO ABATE; APPEAL; ABATEMENT BY CITY.

Whenever the City Manager determines that graffiti is being maintained upon the premises within the City in violation of § [9.04.210](#), the City Manager shall send, by registered or certified mail or post, at a conspicuous place on the premises where the graffiti is located, written notice to the owner, and to any lessee, occupant or other person having present possession of a lot or parcel of land within the City that the graffiti must be removed within forty-eight (48) hours from the date of service of the notice. The notice shall be entitled "Notice to Abate Graffiti," in letters not less than one (1) inch in height, and shall cite this Subchapter as authority for such abatement. The notice shall contain a general description of the property on which the graffiti is located.

A. The notice shall be on City letterhead in substantially the following form:

NOTICE TO ABATE GRAFFITI

NOTICE IS HEREBY GIVEN that under the provisions of Section 9.04.210 of the Culver City Municipal Code ___ you are required at your expense to remove or paint over the graffiti located on the property commonly known as _____, City of Culver City, California, which is visible to public view, within forty-eight (48) hours after the date of service of this notice. The graffiti is visible to public view and therefore constitutes a

ATTACHMENT 2

public nuisance. If you fail to comply with this order the City or its contractor will enter upon your property and abate the public nuisance. The cost of the abatement of the City or its contractor will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matter are hereby notified to submit an appeal to the Office of the City Manager within forty-eight (48) hours from the date of this notice.

At the conclusion of this forty-eight (48) hour period the City may proceed with the abatement of the graffiti on your property at your expense without further notice.

B. If an appeal has been made to the Office of the City Manager, within five (5) days from the date of the Notice to Abate Graffiti, the City Manager, or his/her designee, shall hold an administrative hearing on appeal. The decision of the City Manager or his/her designee shall be final and conclusive.

C. If an appeal has not been submitted as set forth in § [9.04.230](#) B. above, or if the appeal has been denied following an administrative hearing, and if the private property owner fails to remove or fails to cause the graffiti to be removed by the designated date, or such continued date thereafter as approved by the City Manager, then the City Manager shall cause the graffiti to be abated as a public nuisance by the City or its contractor, and the City or its contractor is expressly authorized to enter upon the premises for such purpose.

('65 Code, § 22-10.7) (Ord. No. 94-027 § 3 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.235 RECOVERY OF COSTS.

Should the City Manager be required to abate the graffiti as a public nuisance, as set forth in § [9.04.230](#) C., the City may recover, pursuant to Cal. Gov't Code § 38773, the costs of abatement through the assessment of a lien against the property on which the nuisance is maintained.

A. Prior to the recordation of a lien against property for the recovery of abatement and related administrative costs, the City, in accordance with Cal. Gov't Code §§ 38773.1 or 38773.5, shall provide written notification, by registered or certified mail, to the property owner that a lien will be assessed against their property and such costs will constitute a lien upon the land until paid. The notice of lien shall for purpose of this Subchapter be in form substantially as follows:

NOTICE OF LIEN

Pursuant to Cal. Gov't Code §38773 and the authority of Ordinance ____ of the City of Culver City, the City Manager of the City of Culver City did on or about the ____ day of _____, 20__, cause the removal of graffiti at the premises hereinafter described in

ATTACHMENT 2

order to abate a public nuisance on said real property; and the City Council of the City of Culver City did on the ____ day of _____, 20__, assess the cost of such abatement upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Culver City does hereby claim a lien for such costs of abatement in the amount of said assessment to wit: the sum of ____ dollars; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

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

Dated this ____ day of _____, 20__.

City Clerk, City of Culver City

B. Between the first and fifteenth day of July of each year, the City Manager shall cause to be published in the official newspaper of the City a notice that any person affected or aggrieved by an act or determination of the City or the City Manager in connection with the provisions of this Subchapter may appeal to the City Council. An appeal shall be in writing and shall be filed with the Office of the City Clerk prior to the fifteenth day of July with the appropriate fee, or from time to time thereafter may be determined by the Council, the City Council shall hear and render a decision upon each appeal, and the determination of the Council shall be final and conclusive. In the event any determination of the City Manager is modified by determination of the City Council or any assessment changed or corrected, the City Manager shall cause the correction to be made upon the record showing the assessment.

C. The appellant shall bear the burden of proof which shall be a preponderance of evidence. Oral testimony unsupported by physical evidence is disfavored.

D. At the expiration of the time for appeal, or upon the determination by the City Council of all appeals so filed, and in compliance with the requirements of any determination so made, the City Manager shall deliver to the County Auditor of the County of Los Angeles an abstract of each lot or parcel of land within the City affected by this Section and the amount of each such charge to be placed upon the assessment roll against the respective parcel. Thereafter, the charges shall be of the same character and effect, subject to the same penalties, and shall be collected in the same manner and at the same time as City taxes. The provision of this Section shall not apply to any lot or parcel of land if the charge against it has been paid prior to the delivery of the abstract to the County Auditor.

ATTACHMENT 2

E. No charges for removal of graffiti shall be imposed until after six (6) months from the date of the adoption of this Subchapter unless amended by the Culver City Council.

('65 Code, § 22-10.8) (Ord. No. 94-027 § 3 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.240 FAILURE TO REMOVE GRAFFITI UPON NOTICE.

In addition to any costs incurred by the City for the abatement of graffiti from private property, failure to voluntarily abate graffiti after notification shall result in the following penalties:

A. The failure of any person, firm, partnership, or corporation, failing to remove graffiti within the prescribed forty-eight (48) hour period as set forth in § [9.04.210](#) B. hereby constitutes an infraction and is punishable by a fine of One Hundred Dollars (\$100.00) upon first conviction thereof.

B. Any person, firm, partnership, or corporation convicted of violating § [9.04.210](#) B. of this Subchapter for a second time or any subsequent number of times shall be deemed guilty of an infraction or misdemeanor and shall be punished by a fine of Two Hundred Fifty Dollars (\$250.00).

C. Any person, firm, partnership, or corporation convicted of violating § [9.04.210](#) B. of this Subchapter for a third time or any subsequent number of times shall be deemed guilty of an infraction or misdemeanor and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00).

D. Any person, firm, partnership, or corporation previously convicted three (3) times under this Section, violating the provisions of § [9.04.210](#) B. hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in § [9.04.260](#) hereof.

('65 Code, § 22-10.9) (Ord. No. 94-027 § 3 (part))

§ 9.04.245 ALTERNATIVE ACTIONS.

The violation of any of the provisions of this Subchapter or any State law pertaining to vandalism of property with a graffiti implement shall constitute a nuisance and may be abated by the City through a civil process by means of a restraining order, preliminary or permanent injunction or in any other manner available to the City under provisions of applicable ordinances or State law.

('65 Code, § 22-10.10) (Ord. No. 94-027 § 3 (part))

§ 9.04.250 REWARD FOR INFORMATION.

ATTACHMENT 2

The City Council may, by resolution, offer and pay a reward for information leading to the apprehension and conviction of any person who places graffiti or other inscribed material as defined herein upon public or privately owned structures within the City. In addition to any fines levied by the City for violation of this Subchapter, any person who has damaged property by inscribing graffiti on public or private property shall be liable for the amount of any reward paid pursuant to this Subchapter and Cal. Gov't Code § 53069.5.

('65 Code, § 22-10.11) (Ord. No. 94-027 § 3 (part))

§ 9.04.255 PARENTAL RESPONSIBILITY.

Pursuant to Cal. Civil Code § 1714.1(b), where graffiti is applied by an unemancipated minor, the parents or legal guardian of said minor shall be jointly and severally liable for payment of civil damages resulting from the misconduct of the minor in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each such offense.

('65 Code, § 22-10.12) (Ord. No. 94-027 § 3 (part))

§ 9.04.260 PENALTY FOR VIOLATION.

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or fail to comply with any of the requirements of this Subchapter.

A. Except as provided in § [9.04.240](#), any person, firm, partnership, or corporation violating any provision of this Subchapter, or failing to comply with any of its requirements shall be deemed guilty of an infraction or misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of this Subchapter, is committed, continued, or permitted by such person, firm, partnership, or corporation, and shall be deemed punishable therefor as provided in this Subchapter.

B. Notwithstanding the penalties set forth in Subsection A. above, any person who maliciously defaces, damages or destroys property with a graffiti implement is guilty of vandalism, pursuant to Cal. Penal Code § 594, and upon conviction thereof, shall be punished by imprisonment in the State prison or in a County jail for a period not to exceed one (1) year, or by a fine of Five Thousand Dollars (\$5,000.00), but no more than Fifty Thousand Dollars (\$50,000.00), depending upon the severity and the amount of defacement, damage or destruction to property, or by both such fine and imprisonment.

('65 Code, § 22-10.13) (Ord. No. 94-027 § 3 (part))

§ 9.04.265 COMMUNITY SERVICE.

ATTACHMENT 2

A. Upon conviction of any person for violation of §§ [9.04.210](#) or [9.04.215](#), or any State law pertaining to vandalism of property with a graffiti implement, the City shall petition the sentencing court to impose community service time, pursuant to Cal. Penal Code § 640.6. The sentencing court may require the performance of community service within the City in addition to any monetary penalties imposed. In the event the sentencing court approves community service, the City shall request any adult or emancipated minor convicted of vandalism, as defined by Cal. Penal Code § 594(a)(1) to:

1. Complete a minimum of twenty-four (24) hours, but no more than forty-eight (48) hours of community services cleaning up, removing, and repairing property damaged by graffiti for the first conviction; and

2. Complete forty-eight (48) hours, but no more than ninety-six (96) hours of community services cleaning up, removing, and repairing property damaged by graffiti for each subsequent conviction.

B. Any person who is under the age of eighteen (18) when he or she violates any provision of this Subchapter or any State law pertaining to vandalism of property with a graffiti implement, and is found to be a person described in Cal. Welf. & Inst. Code § 602 by reason of the commission of vandalism, may be required to perform community service time pursuant to Cal. Welf. & Inst. Code § 742.16. For any minor adjudicated guilty of vandalism, the City will petition the juvenile court and the court may, in addition to any other penalties imposed by the City, require the unemancipated minor to provide the necessary labor to clean up, repair, or replace defaced, damaged or destroyed property, or otherwise make restitution to the property owner.

C. If a minor is personally unable to pay any fine levied for violating any provisions of this Subchapter or is otherwise unable to make restitution for damages, the minor's parent or legal guardian shall be liable for payment of the fine or restitution. If the parent or legal guardian cannot make restitution, the sentencing court may waive payment of the fine or community service time by the parent or legal guardian upon a finding of good cause. If the sentencing court waives payment of the fine by the parent or legal guardian, the City shall petition the sentencing court, and the court, at the court's option, may order the parent or legal guardian to provide the necessary labor, equal to the number of hours assigned to the minor adjudicated guilty of violating any provision of this Subchapter, to clean up, repair, or replace property damaged by the unemancipated minor.

('65 Code, § 22-10.14) (Ord. No. 94-027 § 3 (part))

§ 9.04.270 SUSPENSION OR DELAY OF DRIVING PRIVILEGES.

For each conviction of a person aged thirteen (13) to twenty-one (21) for violation of §§ [9.04.210](#) or [9.04.215](#), or any State law pertaining to vandalism of property with a graffiti implement, the City shall petition the sentencing court to suspend existing driving privileges or delay the issuance of driving privileges in accordance to Cal. Veh. Code § 13202.6.

ATTACHMENT 2

('65 Code, § 22-10.15) (Ord. No. 94-027 § 3 (part))

PROPERTY MAINTENANCE

§ 9.04.400 PUBLIC NUISANCE; DEFINED; VIOLATIONS; EXCEPTIONS.

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

NUISANCE. A nuisance, as set forth in Cal. Civil Code § 3479, is anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street, sidewalk, alley, public parking lot or highway.

OFFENSIVE SUBSTANCE. Human excrement or urine, or any other putrid or offensive animal or vegetable matter.

PUBLIC NUISANCE. A ***PUBLIC NUISANCE*** as set forth in Cal. Civil Code § 3480, is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

B. *Violations defined.*

1. *Nuisance.* No person shall commit any act which constitutes a nuisance or public nuisance as defined in this Section.

2. *Deposit of offensive substances.* No person shall deposit or discharge, or permit to be deposited or discharged, any offensive substance upon the surface of the ground of any premises or lot, or in any building or basement, or upon any public street, alley, sidewalk, parking lot or other public place. No person shall deposit or discharge, or permit to be deposited or discharged, any offensive substance in any standing water, river, stream or excavation.

a. Violation of Subsection B.2. shall be deemed an infraction, and upon conviction shall be punishable by a fine of Fifty Dollars (\$50) for the first conviction, One Hundred Dollars (\$100) for a second conviction within a 12-month period, and Two Hundred Dollars (\$200) for a third conviction within a 12-month period.

b. *Exceptions.* This Section does not prohibit the lawful deposit of cans, garbage, rubbish or market refuse in any lawfully-existing landfill, dump, waste-disposal facility or other place, in compliance with city, county, state and federal requirements.

('65 Code, § 22-51) (Ord. No. CS-805 § 2 (part); Ord. No. 96-034 § 3)

ATTACHMENT 2

§ 9.04.405 CLASSIFICATION OF CERTAIN NUISANCES.

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

A. *Land.*

1. Land containing noxious weeds or other rank growth or vegetation to such a degree as to be injurious to the public health, safety, or welfare, or to adjacent properties; or

2. The topography, geology, or configuration of which, whether in natural state or as a result of grading operations, excavation, or fill: causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, or welfare, or to adjacent properties.

B. *Water pollution.* The pollution of any well, cistern, stream, creek or other body of water, by sewage, industrial wastes, or any other substances detrimental to health.

C. *Structures.*

1. *Temporary.* Facilities such as booths, stands, mobile units, security closures, portable comfort stations, and all supporting items such as stands, racks, or display structures left upon property following the termination date of an event or operation as provided by the authorized permit allowing said event or operation, or the termination date of any special permit for use pending construction or reconstruction of a building or buildings or other structures.

2. *Permanent.*

a. Buildings or other structures, whether occupied or unoccupied, which are in a state of neglect or damage, from fire or other causes, or in need of repairs such as painting, weather proofing, or insect extermination; to such a degree that there exists dry rot, warping, molding, or other exteriorly visible physical deterioration or partial destruction. Such neglect or damage or need of repairs shall include but not be limited to broken windows, broken or missing doors, or other broken or missing components or parts which are customarily and reasonably expected to be attached to or built into such buildings or other structures.

b. Hazardous buildings or other structures which are abandoned, partially destroyed, or permitted to remain unreasonably in a state of partial construction, and constituting a hazardous condition or constituting a harbor for vagrants, criminals, or immoral persons, or an attraction for such persons to resort thereto for the purpose of committing unlawful or immoral acts.

ATTACHMENT 2

c. Nonconforming structures which have been constructed or are maintained in violation of any specific requirement or prohibition, applicable to such building or structure, contained in the building regulations of the City, or any law or ordinance of the City, relating to the conditions, location, or construction of buildings.

d. Unoccupied specialty constructions designed and built for specialized and limited purposes such as, but not limited to, gasoline service stations, car service merchandising operations, structures constructed exclusively for drive through and take-out services, and buildings built-solely for coin operated facilities, shall be abated by demolition in accordance with §§ [9.04.415](#) et seq.

D. *Yard setback areas.*

1. Debris, rubbish, and trash accumulated and stored for a period of time exceeding two (2) weeks in front yards, or in side and rear areas abutting streets visible from public rights-of-way or alleys; including but not limited to items such as:

a. Discarded household furnishings, appliances, boxes or packing materials of all kinds,

b. Discarded building materials, and/or

c. Abandoned, wrecked, dismantled or inoperative toys, wheel goods, boats or recreation equipment,

d. Neglected machinery.

2. a. Vegetation causing economic or physical detriment to neighboring properties, such as, but not limited to:

(1) Likely to harbor rats, vermin, or other types of animal or insect life customarily and reasonably considered harmful to the public health and welfare,

(2) Fallen, dead, decayed or diseased trees, weeds, or other vegetation in accumulated or bulky quantities.

b. The provisions herein are to be construed as supplementary to those of §§ [9.04.025](#) B. and [9.04.030](#) of the Municipal Code which relate to the control of vegetation injurious to the health, safety and welfare of the community.

E. *Commercial, industrial property.*

1. *Waste disposal.* The accumulation of dirt, litter, or debris in vestibules, doorways, in or around trash storage areas, or adjoining surrounding parking lots, sidewalks, streets, or alleys.

ATTACHMENT 2

2. *Signs.*

a. The maintenance of signs or sign structures relating to services no longer provided or products no longer sold on commercial, industrial, or institutional buildings or premises more than 45 days after such building or premise becomes vacant, unoccupied, or no longer used for the purpose advertised by the sign.

b. The maintenance of wood or paper signs in deteriorated condition.

('65 Code, § 22-52) (Ord. No. CS-805 § 2 (part); Ord. No. CS-902 § 3)

§ 9.04.410 ABATEMENT OF NUISANCES BY REPAIR, REHABILITATION, DEMOLITION, OR REMOVAL.

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

('65 Code, § 22-53) (Ord. No. CS-805 § 2 (part))

§ 9.04.415 DECLARATION OF NUISANCE.

A. *Specialty structures.* Removal or demolition of specialty structures as defined in § [9.04.405](#) C.2.d. shall be accomplished by the owner, or other person or legal entity in lawful possession or control thereof, within 180 days following the suspension of all business operations within the structure. The effective date of suspension of business operations for purposes of this Subchapter shall be the date on which the City cancels the business license relative to the structure, which said cancellation may be at the request of the business licensee, or by the operation of law or by the City pursuant to any applicable laws, and notice of said cancellation is delivered or mailed to the business licensee. A written Declaration of Nuisance shall be issued as of the business license cancellation date, which said Declaration shall be delivered or mailed to the business licensee and to all other owners, persons, or other legal entities which are known or reasonably should be known to the City to be in lawful possession or control of the subject premises. Service of said Declaration of Nuisance shall be as prescribed in § [9.04.440](#). On and after the effective date of this Section, applications and approval for all specialty structures as defined in § [9.04.405](#) C.2.d. shall include a clause whereby the applicant, as a condition of approval of the application, acknowledges and grants to the City the right to remove or demolish said specialty structure after the lapse of 180 days from the suspension of the business operations for which said structure is designed and built.

B. *Temporary facilities.* All permits for temporary activities or operations, and buildings or other structures relative thereto, such as but not limited to those mentioned in § [9.04.405](#) C.1., shall be for a period not to exceed one year, plus any reasonable time

ATTACHMENT 2

extensions as may be granted by the Planning Commission. Said permits and the applications therefor shall include a declaration that such temporary structures will be considered nuisances following the expiration date of the permit, and a clause whereby the applicant as a condition of approval acknowledges and grants to the City the right to remove or demolish said temporary facilities or structures after the lapse of thirty (30) consecutive days from the expiration date of the permit for the activities, operations, or facilities.

('65 Code, § 22-54) (Ord. No. CS-805 § 2 (part))

§ 9.04.420 NOTICE OF NUISANCE AND/OR ADMINISTRATIVE CHARGES.

A. With respect to nuisances other than for temporary facilities and specialty structures subject to a declaration of nuisance as provided in § [9.04.415](#), and administrative charges as provided in § [9.04.605](#), the following procedures shall apply: Whenever the City Manager or his/her designee finds evidence indicating that any premise or premises within the City are being maintained or activities are being conducted, contrary to one or more of the provisions of the Culver City Municipal Code then he/she shall deliver or mail written notice to the owner or other person or legal entity in lawful possession or control of said premises stating the alleged violations of said section. Such notice shall set forth a reasonable time limit for correction of the violation and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner of said premises according to the provisions of § [9.04.440](#) covering service in person or by mail.

B. The notice may also advise the owner or other person or legal entity in charge of any administrative charge as authorized by § [9.04.605](#).

('65 Code, § 22-55) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.425 HEARING REGARDING NUISANCE ABATEMENT AND/OR ADMINISTRATIVE CHARGES.

A. In the event said owner or other responsible party or parties shall fail, neglect, or refuse to comply with the notice to correct said violations, the Municipal Code Appeals Committee shall conduct a public hearing to ascertain said violation constitutes a public nuisance, the abatement of which is appropriate under the police power of the City. Notice of said hearing shall be served upon the owner thereof according to the provisions of §§ [9.04.435](#) and [9.04.440](#).

B. The Municipal Code Appeals Committee shall also have the authority to hear the appeals of those persons who have filed written objections with the City Clerk within ten (10) days of the notice of administrative charges. Hearings on administrative charges shall be informal and do not require a public hearing.

ATTACHMENT 2

C. The Municipal Code Appeals Committee shall consist of the City Manager or his/her designee, the Fire Chief or his/her designee, and the Community Development Director or his/her designee.

('65 Code, § 22-56) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.430 FORM OF NOTICE OF HEARING.

A. Notice of the time and place of hearing before the Municipal Code Appeals Committee shall be titled, "Notice of Hearing," in letters not less than one (1) inch in height and shall be substantially the following form:

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

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 20__, at the hour of ____M., of said day the Municipal Code Appeals Committee of the City of Culver City will hold a public hearing in the Council Chambers of the Culver City Hall, 4095 Overland Avenue, Culver City, California, to ascertain whether certain premises situated in the City of Culver City, State of California, known and designated as _____, in said City, and more particularly described as _____ constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair, removal, or demolition of buildings, structures, debris or other matter situated thereon; or by the correction of land, topography, or other conditions constituting a nuisance within [Chapter 9.04](#) of the Municipal Code of the City of Culver City. If said premises, in whole or part, are found to constitute a public nuisance as defined by Section(s) [9.04.400](#) and [9.04.405](#) of the Culver City Municipal Code and if the same are not promptly abated by the owner, such nuisances may be abated by municipal authorities and the rehabilitation, repair, removal or demolition, or other costs of abatement of such nuisance(s), will be assessed upon such premises, and such cost(s) will constitute a lien upon such land until paid. Said alleged violations consist of the following:

Said methods of abatement available are:

All persons having any objections to, or interest in said matters are hereby notified to attend a meeting of the Municipal Code Appeals Committee of the City of Culver City, to be held on the _____ day of _____, 20__, when their testimony and evidence will be heard and given due consideration.

ATTACHMENT 2

DATED: This ____ day of _____, 20__.

(Title of City official as designated by City Manager)”

B. The notice and hearing as modified to apply to appeals of administrative charges shall be given in the same manner as those to abate public nuisances.

('65 Code, § 22-57) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.435 POSTING AND SERVING NOTICE.

A. Notice of said hearing shall be served upon the owner of record and the occupant, if known or reasonably should be known by the City, of each of the affected premises, and a copy of the notice shall be conspicuously posted on each of the affected premises.

B. Said notice shall be posted and served, as aforesaid, at least ten (10) days before the time fixed for such hearing. Proof of posting and service of such notices shall be made by declaration under penalty of perjury filed with the Environmental Standards Agency.

('65 Code, § 22-58) (Ord. No. CS-805 § 2 (part))

§ 9.04.440 FORM OF PROPER SERVICE OF NOTICE.

A. Service of said notice shall be made by personal service upon the owner of the affected premises or by depositing a copy of said notice in the U.S. Mail enclosed in a sealed envelope and with postage thereon fully prepaid. Said notice shall be registered or certified and addressed to said owner, and if there is no known address, then in care of the property address.

B. The service is complete at the time of such deposit. “Owner” as used herein shall mean any person in possession and also any person, firm, company, corporation or other legal entity having or claiming to have any legal or equitable interest in said premises, as disclosed by a current title search from any accredited title company. The failure of any person to receive such notice shall not affect the validity of the proceedings hereunder.

('65 Code, § 22-59) (Ord. No. CS-805 § 2 (part))

§ 9.04.445 HEARING BY THE MUNICIPAL CODE APPEALS COMMITTEE; DECISION.

ATTACHMENT 2

A. *Hearing.* At the time stated in the notices, the Municipal Code Appeals Committee shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from owners, witnesses, city personnel, and interested persons relative to such alleged public nuisance and/or administrative charges, and to proposed rehabilitation, repair, or demolition of such premises. Said hearing may be continued from time to time. ('65 Code, § 22-60)

B. *Decision.*

1. Upon or after the conclusion of said hearing, the Municipal Code Appeals Committee shall, based upon such hearing, determine whether the premises or any part thereof, as maintained, constitutes a public nuisance as defined herein and/or the appropriateness of any administrative charges. If the Municipal Code Appeals Committee finds that such public nuisance does not exist and that there is sufficient cause to rehabilitate, demolish, or repair the same, the Municipal Code Appeals Committee shall adopt by motion an order setting forth its findings and ordering the owner or other person having charge or control of buildings, structures, or other conditions thereon constituting a nuisance; rehabilitated, repaired, demolished or removed in the manner and by the means specifically set forth in the order. Such order shall set forth the times within which such work shall be commenced and complied by the owner. In the case of administrative charges the order shall state the facts upon which the decision is based.

2. The decision and order of the Municipal Code Appeals Committee shall be final unless an appeal in writing to the City Council of the decision is filed with the City Clerk within ten (10) working days of the date of decision by the Municipal Code Appeals Committee.

('65 Code, § 22-61)

(Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part))

§ 9.04.450 LIMITATION OF FILING JUDICIAL ACTION.

Any owner or other interested person having any objections or feeling aggrieved at any proceeding taken by the City in ordering the abatement of any public nuisance or administrative charge under the provisions of this Code, must bring an action to contest such decision within thirty (30) days after the date of the final decision of the Municipal Code Appeals Committee or of the City Council if the matter is appealed to the Council. Otherwise all objections to such decision shall be deemed waived.

('65 Code, § 22-62) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part))

§ 9.04.455 SERVICE OF ORDER TO ABATE; ABATEMENT PROCEDURE.

ATTACHMENT 2

A. A copy of the order of the Municipal Code Appeals Committee ordering the abatement of said nuisance or determination of administrative charges shall be served upon the owners of said property and the occupants as known or reasonably should be known by the City, in accordance with the provisions of §§ [9.04.435](#) and [9.04.440](#) and shall contain a detailed list of needed corrections and abatement methods and/or administrative charges. Any property owner shall have the right to have any such premises rehabilitated or to have such building or structures or other conditions constituting a nuisance demolished, removed, repaired, rehabilitated or otherwise abated in accordance with said order and at his own expense provided the same is completed prior to the expiration of a reasonable time period set forth in the order. Upon such abatement in full by the owner, the proceedings hereunder shall terminate, which termination shall not relate to administrative charges.

B. If such nuisance is not completely abated by the owner as directed within the designated abatement period, then the City Manager or other City officer or employee as may be designated by him/her, is authorized and directed to cause the same to be abated by City forces or private contract, and the City Manager or other City officer or employee as may be designated by him/her is expressly authorized to enter said premises for such purpose. Upon request of the designated official, other City departments shall cooperate fully and shall render all reasonable assistance in abating any such nuisance.

('65 Code, § 22-63) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.460 RECORD OF COST FOR ABATEMENT.

A. The City Manager, or such other City official as may be designated by him/her, shall keep an account of all administrative charges of code enforcement and of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement and the rehabilitating, removal, demolishing, or repairing, of said premises, buildings, structures, or other conditions including any salvage value relating thereto; provided that before said report is submitted to said City Council, a copy of the same shall be posted for at least five (5) days upon such premises, together with a notice of the time when said report shall be heard by the City Council for confirmation.

B. The City Council may set the matter for hearing to determine the correctness or reasonableness, or both, of such costs, or administrative charges.

C. A copy of said report and notice shall be posted and served upon the owners and occupants of said property, in accordance with the provisions of §§ [9.04.435](#) and [9.04.440](#), at least ten (10) days prior to the date of any City Council hearing.

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

ATTACHMENT 2

E. For the purpose of this Section, the term ***INCIDENTAL EXPENSES*** shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder.

('65 Code, § 22-64) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.465 REPORT; HEARING AND PROCEEDINGS.

At the time and place fixed for receiving and considering said report, the City Council may hear and pass upon the report of such administrative charges or costs of abatement, together with any objections or protests. Thereupon the City Council may make such revision, correction, or modification in the report as it may deem just, after which by resolution the report as submitted or as revised, corrected, or modified, shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

('65 Code, § 22-65) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part))

§ 9.04.470 ASSESSMENT OF COSTS AGAINST PROPERTY LIEN.

The total of administrative charges or cost for abating such nuisance as reviewed without objection or confirmed after hearing by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the Office of the County Recorder a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

A. After such confirmation and recordation, a certified copy of such decision shall be sent to the tax division of the County Auditor-Controller's office, whereupon it shall be the duty of said Auditor- Controller to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

B. After such recordation such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

C. Such notice of lien for recordation shall be in form substantially as follows:

“NOTICE OF LIEN

(Claim of City of Culver City)

ATTACHMENT 2

Pursuant to the authority vested by the provisions of Sections [9.04.405](#) and [9.04.610](#) et seq. of the Culver City Municipal Code, the City Manager of the City of Culver City, or designated agent did on or about the ____ day of ____, 20__, cause the premises hereinafter described to be rehabilitated, or the building or structure on the property hereinafter described to be repaired or demolished, in order to abate a public nuisance on said property; and the City Council of the City of Culver City did on the ____ day of ____, 20__, assess the cost of such rehabilitations, repair, or demolition upon said real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Culver City does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit: the sum of \$____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land known as _____

(Street Address)

and being in the City of Culver City, County of Los Angeles, State of California, and more particularly described as follows:

(Legal Description)

CITY MANAGER

CITY OF CULVER CITY

(Acknowledgment)”

D. In the case of administrative charges the notice shall reflect the nature of the lien as they relate to administrative charges for Code enforcement and abatement proceedings.

('65 Code, § 22-66) (Ord. No. CS-805 § 2 (part); Ord. No. 93-019 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 9.04.475 ALTERNATIVE REMEDIES.

A. The owner of other person having charge or control of any such buildings or premises who maintains any public nuisance defined in this chapter, or who willfully violates any order of abatement made pursuant to § [9.04.445](#) B., is guilty of a misdemeanor.

B. Any occupant or lessee in possession of any such building or structure who fails to vacate said building or structure in accordance with an order given as provided in this Subchapter is guilty of a misdemeanor.

C. Any person who removes any notice or order posted as required in this Subchapter is guilty of a misdemeanor.

ATTACHMENT 2

D. No person shall obstruct, impede, or interfere with any representative of the Environmental Standards Agency or with any representative of a city department or with any person who occupies or holds any estate or interest in a building or premise which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed, or with any person to whom any such building or premise has been lawfully sold pursuant to the provisions of this Code whenever any such representative of the Environmental Standards Agency, representative of the city, purchaser or person having any interest or estate in such building or premise is engaged in vacating, repairing, rehabilitating, or demolishing and removing any such building structure, or other condition constituting a nuisance pursuant to the provisions of this Subchapter, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto.

('65 Code, § 22-67) (Ord. No. CS-805 § 2 (part))

ADMINISTRATIVE CHARGES

§ 9.04.600 PURPOSE.

The City Council hereby finds and determines that it is appropriate and necessary to require the recovery of costs and expenses incurred by the City for the enforcement of various provisions of this Code relating to the public's health, safety and welfare from those whose action or inaction caused, allowed or permitted such condition to exist. By this Subchapter, the City Council desires to provide for the imposition and collection of administrative and other charges relating to the enforcement of various provisions of this Code and abatement proceedings authorized thereby.

('65 Code, § 22-72) (Ord. No. 93-019 § 1 (part))

Cross-reference:

[Unruly parties and gatherings; law enforcement expenses, see §§ 9.06.005 through 9.06.020](#)

§ 9.04.605 IMPOSITION OF ADMINISTRATIVE CHARGES.

Each person, firm, partnership, association, company or organization of any kind owning, leasing, occupying or otherwise having any interest in any property, whether personal or real, which is subject to an investigation for a nuisance and an abatement proceedings or Municipal Code violation pursuant to this Code shall pay to the City a charge to reimburse the City for costs incurred in the investigation, inspection, enforcement and administration of the abatement proceedings, or violation of the Municipal Code, in addition to any charges incurred for the actual abatement of the nuisance or Municipal Code violation. The charges as imposed hereby shall be in such amount as established from time to time by resolution of the City Council.

('65 Code, § 22-73) (Ord. No. 93-019 § 1 (part))

ATTACHMENT 2

§ 9.04.610 COLLECTION OF ADMINISTRATIVE CHARGES.

The charges as imposed by § [9.04.610](#) shall be deemed a debt to the City and may be collected as any civil debt owed the City in any court of competent jurisdiction or may be imposed as a lien upon the respective lot or property pursuant to the procedures authorizing such abatement as set forth in §§ [9.04.420](#) through [9.04.470](#).

('65 Code, § 22-74) (Ord. No. 93-019 § 1 (part))



**NOTIFICATION OF IMPORTANT AGENDA ITEM
AT A FUTURE CITY COUNCIL MEETING**

The City Council will discuss and introduce an ordinance to amend the City's property maintenance standards, and to update the procedures for administrative due process abatement of public nuisances.

March 9, 2009 at 7:00 p.m.

Location:

**Mike Balkman Council Chambers
9770 Culver Boulevard
Culver City, CA 90232**

The Council Chambers are accessible to disabled persons and public parking is available in the City Hall parking structure from Duquesne Avenue. Persons with disabilities may call the Culver City Coordinator or Disability Services at (310) 253-6729, or TDD at (310) 253-6736, to request specific accommodations.

City Council meetings can be viewed live on Channel 35 by Time Warner subscribers. To view the Council meetings online, please visit <http://www.culvercity.org/agendas/webcast.asp?sec=gov>. Other Agenda items may precede this item on the Agenda.

Culver City News BLUE PACIFIC NEWS	PROOF	☐ Ad Approved	Please fax proof sheet to: (310) 391-9068	Customer Signature	Ad approval deadline: NOON TUESDAY
		☐ Ad OK With Changes ☐ Ad Needs Changes & New Proof			