

**CITY OF BIGGS**  
**PLANNING STAFF REPORT**

465 C Street  
P.O. Box 1134  
Biggs, CA 95917

PHONE: (530) 868-5447  
FAX: (530) 868-1124

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TO: Honorable Mayor and Members of the City Council

DATE: September 13, 2010

FROM: Scott Friend, AICP, City Planner  
Erin Dougherty, Planning Assistant

SUBJECT: Burke-Trent 3069 Eighth Street – Dangerous Buildings

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**SUMMARY**

In early July staff sent a letter declaring the property at 3069 Eighth Street as a nuisance with three buildings that are dilapidated, abandoned, boarded windows, and buildings in a state in which portions are falling down.

**BACKGROUND / DISCUSSION**

The subject lot, 3069 B Street, is located on the western side of, and fronting, Eighth Street and the northwester corner of E Street, abutting Ninth Street to the rear of the property. The site is zoned with the R2, Medium Family Residential. The property is currently developed with an existing single family residential dwelling and two outbuildings. In early July of 2010, Ms. Burke-Trent was fined originally \$100.00 for Weed Abatement. Shortly after that the weed portion of the property was abated.

On July 9, 2010 staff issued a "Dilapidated/Dangerous Building" letter to the property owner. Staff gave the property owner until the end of July to respond before taking the issue to the City Attorney. Late July, Ms. Burke-Trent contacted staff and explained that she wasn't able to make the payments any longer on the property, nor could she pay for any further abatement on the property. Ms. Burke-Trent asked if she could enter into some sort of contract with the City to abate the problems, but wasn't sure how she would pay for it at that time.

Staff explained to Ms. Burke-Trent that staff has been directed to no longer extend times for abatement and that she would have to take the matter to the City Council for an appeal to staff's determination.

In August of 2010, Ms. Burke-Trent approached Council in the Community Participation section of the meeting and pled her case. She was told this could be agendaized for the September meeting.

At this time Ms. Burke-Trent is requesting the City to enter into some sort of agreement for abatement of the property. Ms. Burke-Trent has also expressed that at this time she has at least one person interested in purchasing the property and renovating the home and out buildings.

The property owner currently has an unpaid \$100 fine for weed abatement. Staff has held in abeyance a \$100 fine for dangerous building abatement, which would have been levied August 2<sup>nd</sup>, as the property owner indicated intent to appeal to council. A \$250 fine would have been levied August 16<sup>th</sup>, and a \$500 fine August 30<sup>th</sup>. After these steps BMC provides for legal action.

## **BIGGS MUNICIPAL CODE**

The following sections of the Biggs Municipal Code (BMC) constitute the applicable code Sections utilized in the review and consideration of this request:

### *Section 6.25.020 E. Buildings and Structures*

Within outbuildings and visible

#### 6.25.020 (1) (a)

- Household furnishings
- Tires and other debris

#### 6.25.020 (1) (b)

- Trench behind house (apparently it is part of the old porch)

#### 6.25.020 (2) Landscaping

(a) Dead vegetation including dry grass

(b) over grown vegetation

c. Vegetation within city right of way

#### 6.25.020 (5) Buildings

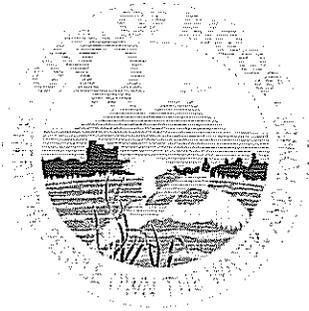
(a)

- Garage – broken boards, full of household furnishings
- Shed- Full of tires, and miscellaneous junk, roof falling in
- House-boarded up windows, unsecured foundation
- Structurally unsound front porch.

## **STAFF RECOMMENDATION**

Staff requests that Council direct staff to into an Abatement Agreement with the property owner, or direct legal action to proceed, and make definitive decision on application of fines.

- Attachment A – July 9, 2010 Letter
- Attachment B- Letter to Applicant regarding minimum abatement



City of Biggs - Dept. of Planning  
465 C Street / P.O. Box 1134  
Biggs, CA 95917  
(530) 868 -5447

**NOTICE OF CODE VIOLATION(S) –  
PUBLIC HEALTH AND SAFETY and NUISANCE ABATEMENT  
at 3069 Eighth Street**

Date: July 9, 2010

To: Burke-Trent & Associates  
738 Justeson Road  
Gridley, CA 95948  
Assessor Parcel Number: 001-173-006

RE: BMC Code Compliance Issue 07-2010 BLDCOND

**SUBJECT: Dilapidated/Dangerous Building**

Dear Property Owner:

The purpose of this letter is to inform you that the City of Biggs has determined that a Violation of the City of Biggs Municipal Code exists on the property described as **3069 Eighth Street, Biggs, CA 95917**.

**Nature of Complaint:** The City of Biggs has determined that a violation of *Title 6 - HEALTH AND SAFETY NUISANCE ABATEMENT, Chapter 6.25, Health and Safety Nuisance Abatement* of the Biggs Municipal Code which indicates that “[i]t shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the City to maintain or allow to be maintained such property in such manner that any of the following conditions which are visible from the street are found to exist there on.

5. Buildings and Structures

- a. Buildings dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials (*emphasis added*).
- d. Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief (*emphasis added*).

Based upon information received by members of the general public and two visual inspections of the subject property by City staff on June 3, 2009 and June 12, 2009, the following conditions were observed on the site which constitutes violations of the sections of the Biggs Municipal Code cited above:

- ✓ Abandoned and
- ✓ Broken Windows; *BMC 6.25.030.5.a,d, and*
- ✓ Unsecured Building; *BMC 6.25.030.5(d).*

It is noted herein that during staff's visual inspection of the building, the plywood sheet covering the western door entrance to the building was pulled away from the wall allowing for unobstructed access to the inside of the garage. Additionally, it was noted that at least one window was broken-out and not covered with plywood. City staff fastened the existing plywood to the door frame and provided wood to cover the broken window, to reduce the imminent health and safety hazards. Additional city labor and materials, if needed, will be billed to the property owner.

Please be advised that City Staff are available to discuss this matter with you and will work with you to resolve this issue in a manner amenable to both you and the City. If you have questions about this letter or the items at issue, please contact Scott Friend, City Planner at (530) 894-3469 ext. 13214 or Erin Dougherty, Code Enforcement Officer at (530) 868-5447, **no later than July 30, 2010 to discuss this matter, after this date the item will be turned over to the City Attorney.** Please note that in order to determine the compliance status of the site referenced above, a site inspection may be required.

Sincerely,  
City of Biggs

By: \_\_\_\_\_  
Erin Dougherty  
Code Enforcement Officer

*Enclosure: Chapter 6.025 Health and Safety Nuisance Abatement  
Definitions - Various*

cc: Case file  
Scott Friend, City Planner



City of Biggs - Dept. of Planning  
465 C Street / P.O. Box 1134  
Biggs, CA 95917  
(530) 868 -5447  
Fax 530-868-5239

Date: September 14, 2010

To: Burke-Trent & Associates  
738 Justeson Road  
Gridley, CA 95948  
Assessor Parcel Number: 001-173-006

RE: Dangerous Building at 3069 Eighth Street, Biggs, CA 95917

Dear Ms. Burke-Trent:

This letter is to inform you that the City of Biggs intends to bring to the September 20, 2010 City Council meeting your request of the August 16<sup>th</sup> meeting which was to consider abatement and fine options. As you may remember, at this time there is a \$100.00 fine assessed for Weed Abatement. The items that are identified are those that staff believes constitute violations of the City Code and identifying that these items need to be addressed. In addition, you will be asked to sign an Abatement Agreement to resolve these issues. This agreement will involve a timeline for abatement of the noted violations and will identify penalties for non-action.

Additionally, below you will find a list of violations along with resolutions for them. This will be part of what we present to Council on September 20<sup>th</sup>.

#### Basic Violations

Within outbuildings and visible

6.25.020 (1) (a)

- Household furnishings
- Tires and other debris

6.25.020 (1) (b)

- Trench behind house (apparently it is part of the old porch)

6.25.020 (2) Landscaping

(a) Dead vegetation including dry grass

(b) over grown vegetation

c. Vegetation within city right of way

6.25.020 (5) Buildings

(a)

- Garage – broken boards, full of household furnishings
- Shed- Full of tires, and miscellaneous junk, roof falling in
- House-boarded up windows, unsecured

#### Suggested Resolutions

- Remove all debris that is within both out buildings
- Fill in trench
- Buildings must be empty of household furnishings.
- Clear all dead vegetation
- Trim all overgrown bushes and trees back or remove them
- Trim back or remove
- Garage to be emptied or removed
- Shed needs to be emptied or removed
- Secure foundation at house. (Prevent access to the structure from underneath)
- Secure all out buildings.
- Remove front porch overhang or secure it.

- foundation
  - Structurally unsound front porch.
- Misc.
- There are piles of brush that could be from the neighbor tossing over the fence along with what might be building materials at the garage.
  - Fence repaired; piles of debris or building materials at fence stored in secure area.

Overall:

At minimum:

- Removal of all debris, household good, tires, etc. from both out buildings.
- Removal of the shed in which the roof is falling into the building in some places.
- Dead grass needs to be somehow removed from property. This is not an occupied parcel so there needs to be some sort of fire prevention measure taken.
- Trench in yard needs to be filled in.
- All vegetation that is in the right-of-way needs to be removed or trimmed so that it is out of the right-of-way.
- All overgrown vegetation needs to be trimmed back.
- The foundation of the house needs to be secured.
- All entrances to the house need to be secured along with any outbuildings that remain.
- The property needs to be fenced off so that access to the property is not as easy as it is now.
- The weeds, grasses, plants, etc. need to be kept so that they are not a nuisance.
- Remove solid waste receptacles from public view, or at least place against a structure on non-trash days.

**Note: End result is that the structure(s) not be in a dilapidated condition.**

The items in this letter constitute those items in which the City has identified as being required to be addressed and will be included within the "action plan" in the Abatement Agreement that the City will be sending for your signature.

Please note, that IF you should sign the Abatement Agreement, which will include a timeline for the resolution of the issues noted, the City may suspend any FUTURE fines on the property at the Councils discretion. But failure to sign the agreement will result in the continuation of the City's abatement of the violations, which will include more fines.

Should you have any questions please feel free to call the Planning Department at the above noted number.

City of Biggs Planning Department

By: \_\_\_\_\_  
Erin Dougherty  
Code Enforcement Officer