



CITY OF BIGGS Planning Staff Report

TO: **City of Biggs City Council**
FROM: Scott Friend, AICP, City Planner
THROUGH: Mark Sorensen, City Administrator
MEETING DATE: May 13, 2014; 6:30 p.m.
Biggs City Hall, 465 C Street, Biggs, CA 95917

SUBJECT: **Code Enforcement – Biggs Downtown Area.**
A request for Council discussion and direction in regard to the pursuit of Code Compliance / Code Enforcement actions in the Downtown area.

Environmental Review: N/A.

Summary:

Staff is seeking input and direction from the City Council in regard to the appropriate approach to the pursuit of code enforcement actions in the Biggs downtown area and related specifically to the various vacant and/or dilapidated structures located on the south side of B Street and west of Sixth Street. Staff has issued Declaration of Nuisance letters to the owners of three (3) properties in the downtown area (Manwill, Fiedler, Montez) addressing dangerous and nuisance conditions on the three properties. All three owners have contacted the City about the letters, all three property owners have questioned city staff about the minimum level of improvements necessary to achieve satisfactory compliance, and each of the three property owners have expressed different and varied thoughts on how best to comply with the City's request for code compliance. Due to the nature of the violations, the state of disrepair of the structures involved, the potential costs for compliance and the history of past efforts in this regard, staff is seeking direction from the Council on this effort. Staff is suggesting the following three questions to the Council initiate discussion of this matter:

- 1) Should staff continue to pursue code enforcement and code compliance actions in the downtown area, and specifically against the three properties already cited for violating City Code provisions, utilizing the City's existing nuisance abatement process and code standards?;
- 2) Is the Council's definition and expectation of the term "code compliance" consistent with staff's definition? If not, how does the Council direct staff to interpret the term "compliant" as it relates to the existing structures in the downtown area?; and,
- 3) Would the Council be interested in exploring options available to the City associated with the acquisition of properties or structures in the Downtown area?

Background / Discussion:

In early-April, the City Planner and the City Code Enforcement officer issued Declaration of Nuisance letters to the property owners of three properties located on the south-side of B Street and west of Sixth Street in downtown Biggs. The letters were provided to the addresses of 479 B Street (Manwill), 481 B Street (Fiedler), and 483 B Street (Montez). All three letters (*Attachments A, B, and C*) indicate that the structures as they currently exist violate the following provisions of the City of Biggs Municipal Code and thus are declared a public nuisance:

Title 11 – BUILDINGS AND CONSTRUCTION, Chapter 11.25, Dangerous Buildings:

“It shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring building and such building is hereby declared to be a public nuisance [Ord. 39 § 1, 1915].”

and,

Title 6 - HEALTH AND SAFETY NUISANCE ABATEMENT, Chapter 6.25, Health and Safety Nuisance Abatement:

“It 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.

6.25.020 Unlawful Property Nuisance – Private Property:

E. Buildings and Structures

1. Buildings dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials for more than thirty (30) days.
2. Buildings left in a state of partial construction for six (6) months, unless there are, in the opinion of the Code Enforcement Officer, compelling extenuating circumstances.
3. Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
4. Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
5. Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.”

Following the receipt of the Notice of Violation letters, all three property owners contacted the City to identify and discuss options available to them to achieve compliance with the City’s letter or to discuss the future of their property. In each instance, the potential path to a resolution of the respective issue differed due to the nature, age, level of deterioration and current use of the structure and the ability of the

owner to put forth the necessary resources for code compliance. In all three instances, the affected property owner expressed a desire to discuss the matter with the City Council and to attempt to identify a solution that was appropriate and reasonable for both parties. As a result of the requests of each of the three affected property owners, and to ensure that staff's pursuit of this matter meets with the expectation of the City Council and goals of the City, staff is seeking to engage the members of the Council in a discussion of the following three questions:

- 1) Should staff continue to pursue code enforcement and code compliance actions in the downtown area, and specifically against the three properties already cited for violating City Code provisions, utilizing the City's existing nuisance abatement process and code standards?;
- 2) Is the Council's definition and expectation of the term "code compliance" consistent with staff's definition? If not, how does the Council direct staff to interpret the term "compliant" as it relates to the existing structures in the downtown area?; and,
- 3) Would the Council be interested in exploring options available to the City associated with the acquisition of properties or structures in the Downtown area?

In suggesting the three questions above, staff is not intending to limit the discussion on this topic. Rather, the questions noted above are intended to provide a point of departure for the conversation and direction from which staff can advance future efforts.

It is noted to the Council that all three property owners have been notified that this matter would be discussed, were invited to attend this meeting and were told that they would have an ability to speak to the Council. This item has not been placed on the agenda as a formal public hearing as no action or recommendation requiring it is made. Thus, staff is requesting that the Council consider providing a public comment period consistent with that provided during a public hearing to provide the opportunity for public input and to provide an opportunity for the affected property owners to address the Council.

Environmental Determination/Evaluation:

Not applicable.

Fiscal Impact:

Staff time for the preparation of this report and an unknown amount of staff time for the continued pursuit of code compliance on the subject properties.

Recommendation:

Staff is recommending that the Council provide direction to staff on how to pursue compliance with the City's Municipal Code; and, provide direction on the desired approach to a meaningful solution to the code enforcement issues within the downtown

area and specifically in regard to the pursuit of code compliance on the three (3) properties identified in this report.

Attachment(s):

- (copy) Biggs Municipal Code *Chapter 11.25, Dangerous Buildings*
- (copy) Biggs Municipal Code *Chapter 6.25, Health and Safety Nuisance Abatement*
- Declaration of Nuisance Letters – x3 (479, 481 and 483 B Street)

Chapter 11.25**DANGEROUS BUILDINGS**

Sections:

- 11.25.010 Nuisance declaration.
- 11.25.020 Abatement.
- 11.25.030 Violations.

11.25.010 Nuisance declaration.

It shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring buildings and such building is hereby declared to be a public nuisance. [Ord. 39 § 1, 1915]

11.25.020 Abatement.

Whenever the city council, by resolution, shall determine that any such building is a public nuisance, the health officer shall immediately notify the owner or his agent to abate such nuisance by removing said building within 30 days from the receipt of said notice. [Ord. 39 § 2, 1915]

11.25.030 Violations.

Every person, company or corporation who maintains, permits, or allows such public nuisance as above defined to exist upon any property owned or controlled by them for a period of 30 days after receipt of the notice above mentioned shall be guilty of a misdemeanor and punishable by a fine not exceeding \$300.00 or by imprisonment in the city jail or county jail of Butte County at the rate of one day for every \$2.00 of any fine so imposed and remaining unpaid; provided, however, that nothing herein contained shall be construed as prohibiting the city council from invoking the provisions of Section 377a of the Penal Code, or Section 731 of the Code of Civil Procedure for the abatement of such nuisances. [Ord. 39 § 3, 1915]

Chapter 11.30**BUILDING NUMBERING**

Sections:

- 11.30.010 County map.
- 11.30.020 Notification.
- 11.30.030 Number placement.
- 11.30.040 Deadlines.
- 11.30.050 Violations.
- 11.30.060 Number placement by city - Collection of costs.

11.30.010 County map.

Heretofore the city council of the city of Biggs has adopted Ordinance No. 213 whereby the city of Biggs adopted the plan for street names as set forth in Butte County Ordinance No. 1874 and in accordance therewith the city of Biggs adopts house numbering, building numbering, and lot numbering according to the plan outlined therein. The city of Biggs does hereby adopt the address area of its corporate boundary as identified in the Butte County Address Area Map approved by the Butte County board of supervisors on October 18, 1977. [Ord. 223 § 2, 1980]

11.30.020 Notification.

In accordance therewith, the city clerk of the city of Biggs is directed to notify each real property owner of the number assigned to his or her properties. [Ord. 223 § 3, 1980]

11.30.030 Number placement.

Said numbers shall be placed at the entrance to each and every building, or if no building exists shall be painted upon the curb if a curb exists, in letters not less than three inches in height and plainly visible from the street. [Ord. 223 § 4, 1980]

11.30.040 Deadlines.

All numbers shall be in place not later than June 30, 1980, and it shall be the responsibility and liability of each real property owner to erect the number assigned to him or her, as specified herein. [Ord. 223 § 5, 1980]

11.30.050 Violations.

Failure of a property owner to number his or her properties in accordance with this chapter shall constitute an infraction and shall be punishable as such. Each day after June 30, 1980, in which a

Chapter 6.25

**HEALTH AND SAFETY AND
NEIGHBORHOOD NUISANCE
ABATEMENT**

Sections:

- 6.25.010 Purposes.
- 6.25.020 Unlawful property nuisance – Private property.
- 6.25.030 Unlawful property nuisance – Public property.
- 6.25.035 Regulation of location, development, and operation of medical marijuana cultivation.
- 6.25.040 Declaration of public nuisance.
- 6.25.050 Existence of public nuisance, hearing, and voluntary abatement.
- 6.25.055 Nuisance abatement – Visible/unsecured odiferous medical marijuana under cultivation.
- 6.25.060 Public agency inspections.
- 6.25.065 Administrative public nuisance abatement by city.
- 6.25.070 Summary abatement.
- 6.25.080 Nuisance abatement lien (Gov. Code Section 38773.1).
- 6.25.085 Nuisance abatement fines.

* Prior legislation: Ords. 323, 367, 379 and 385.

6.25.010 Purposes.

The purposes of this chapter are: (1) to protect the city's residents from threats to health and safety that result from specified nuisance conditions and (2) to promote an attractive and desirable community by identifying and providing a means to abate specified nuisance conditions that, if permitted to continue, will cause substantial diminution of the enjoyment, use and value of affected properties. [Ord. 389, 2011]

6.25.020 Unlawful property nuisance – Private property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of private property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are visible from a public street or right-of-way and/or are found to exist thereon, except as may be allowed by this code:

(1) Unlawful Outdoor Storage.

(a) The accumulation of abandoned, discarded, or dilapidated objects which constitutes a threat to the general public's health, safety or welfare, including but not limited to: junked, abandoned, wrecked, dismantled or inoperative vehicles; vehicle parts and equipment; machine parts; scrap material; appliances; furniture, household equipment and furnishings; shopping carts; containers and packing materials; scrap metal; scrap wood; plant cuttings; rubbish and/or debris.

(b) Attractive nuisances, dangerous to those members of the public unable to discover the nuisance condition or recognize its potential danger, including, but not limited to: abandoned, broken, neglected or unsupervised vehicles; machinery; equipment; refrigerators and freezers; pools, ponds and excavations; marijuana plants, the cultivation of which is visible from a public street or right-of-way or neighboring property, or the odor of which is detectable from a public street, right-of-way or neighboring property.

(c) The placement of items of business inventory, refuse containers, equipment, vehicles, or similar obstructions on the street or sidewalk without prior city approval.

(d) The storage of firewood or other flammable materials used for heating purposes in excess of standards relating to the safe storage of combustible materials as determined by the city of Biggs fire department and the Uniform Fire Code.

(e) Items stacked or stored so as to present a safety hazard.

(f) The accumulation of dirt, sand, gravel, concrete, litter, debris or other similar material on the property which is visible from the street.

(g) Materials stored or stacked on commercial or industrial property within the front or street side yard in such zoning districts, except where such storage is allowed by the city under a conditional use permit.

(h) Unregistered vehicles or other articles of personal property which are left in a state of partial construction, dilapidation or disrepair for more than four months.

(2) Landscaping/Vegetation.

(a) Dead, decayed, diseased or hazardous trees, weeds or other vegetation constituting a danger to public safety and welfare and/or constituting unsightly appearance detrimental to neighboring property or property values.

(b) Overgrown vegetation likely to harbor rats, vermin and other nuisances resulting in potential health hazards.

(c) Vegetation growing into the public right-of-way, obstructing the necessary view of drivers on public streets, rights-of-way or private driveways.

(d) Failure to comply with the requirements set forth in any city zoning approval or permit applicable to the premises.

(e) Outdoor cultivation of marijuana plants, visible from a public street or right-of-way or neighboring property.

(f) Planting strips are to be landscaped with materials acceptable to the city park superintendent; materials include decorative bark or rocks, green grass, trees, drought resistant plants and shrubs. The mow strip must be maintained. Dead vegetation, dirt and base rock are not considered acceptable maintenance.

(g) Sidewalks and mow strips are to be maintained to provide for safe passage. Placement and type of trees in mow strips are to be specified by the city parks superintendent. Property owner is to maintain and replace any trees and landscaping in mow strips.

(3) Trash, Litter, Trimmings, Oil and Debris.

(a) Pooled oil, water, or other liquid accumulation, flowing onto the street, or excessive accumulations of grease or oil on paved surfaces.

(b) The accumulation of litter, debris, trimmings or trash stored, accumulated, or placed on private property, in a yard, or a portion thereof, including sidewalks, gutters, driveways, parking lots or the public right-of-way, which is generated on, or as a consequence of the use or maintenance of, the property.

(4) Trash Containers.

(a) Trash containers without secure, firmly fitting covers or evidencing an overflow of trash and/or other debris.

(b) Except on normal trash pick-up days, trash, garbage or refuse cans, bins, boxes or other such containers shall be stored out of or screened from public view where practical, but in any event on private property as close to the residential structure as possible.

(5) Buildings and Structures:

(a) Buildings dilapidated, abandoned, boarded up, or partially destroyed, and buildings having unsecured entry points, broken windows, or

broken windows or unsecured entry points covered or boarded over with wood or other materials for more than 30 days.

(b) Buildings left in a state of partial construction for six months, absent compelling extenuating circumstances.

(c) Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.

(d) Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.

(e) Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.

(f) Occupied buildings lacking functioning, city-approved electrical utility service. Exempt from this definition are buildings with a city-approved electricity system not requiring city-provided service. Exempt from this definition is the use of temporary electrical generation in the case of emergency or power loss, but only to the extent of the emergency and/or power loss.

(g) Occupied buildings lacking functioning, city-approved provided water service.

(h) Occupied buildings lacking functioning, city-approved sanitary sewer service.

(6) Fences and Gates. Fences, gates or other structures on private property abutting, fronting upon, or visible from any public street, which are unsafely leaning, fallen, decayed, or in an otherwise dilapidated, unsafe or unsightly condition.

(7) Parking Limitations. Vehicles, whether motorized or nonmotorized, shall not be:

(a) Parked on or within any required setback or on any surface which has not previously been approved for parking purposes pursuant to applicable zoning code provisions. Therefore, parking on residential property is limited to parking on driveways and parking pads. Parking on lawns and on dirt is prohibited.

(b) Parked on any front lawn or landscaped area, or upon any other area with a ground surface that is not either paved or graveled; provided, however, that the total surfaced area (gravel or pavement) within the front and street side yards of an individual lot shall not exceed 700 square feet.

(c) Parked on a public street perpendicular or diagonally to any residence unless otherwise specifically allowed.

(d) Parked on driveways or parking pads where a portion of the parked vehicle also extends into the street.

(8) Right-of-Way. Placing, permitting or allowing an accumulation of junk, rubbish, debris, or dead, decayed or overgrown vegetation in that area between the property line and the edge of street improvements of a given parcel. This section is intended to supplement and not stand in conflict with the provisions of Streets and Highways Code, entitled "Maintenance of Sidewalks."

(9) Medical marijuana plants, products and/or the cultivation of medical marijuana, visible either to the public or neighboring property, or to permit the odor of which to be detected by any member of the public, or to cultivate, process or store medical marijuana not in compliance with all of the provisions of BMC 6.25.035.

(10) Residential Vehicle Repair.

(a) The performance of major repairs or dismantling of any motorized or nonmotorized vehicle, boat, or part thereof, in a location visible from the street.

(b) This section shall not be construed as prohibiting the registered owner of a motorized or nonmotorized vehicle or boat, or part thereof, from performing minor repair of the vehicle in the driveway or other paved surface of a residence. However, the vehicle or boat must be registered to someone living in the residence and the duration of the repair shall not exceed 14 days. Proof of registration of any vehicle or boat on which minor repair is occurring shall be provided to any city of Biggs police officer or code enforcement officer upon request.

(11) Graffiti. Graffiti or other words, lettering or drawings, other than allowed advertisement, which remain on the exterior of any building or fence. Gang-related or other graffiti constituting a public safety hazard and/or tagging shall be removed within 48 hours after notice of abatement.

(12) Miscellaneous. Any other condition or use of property which gives rise to a reasonable determination by the code enforcement officer that the condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature and/or if permitted to continue will cause the substantial diminution of the enjoyment, use and property values of such properties. [Ord. 395 § 5, 2012; Ord. 389, 2011]

6.25.030 Unlawful property nuisance – Public property.

It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any private property in the city to use, maintain or allow to be maintained for any purposes that would create any of the following conditions on adjacent or contiguous public property, except as may be allowed by this code:

(1) Outdoor Storage, Operations or Encroachment.

(a) The tracking of mud, dirt, sand, gravel, and concrete onto the street or public right-of-way.

(b) The spilling of debris, including trash, paper, wood, plant cuttings and other vegetation, onto the street or other public right-of-way.

(c) The use of public property for storage of vehicles and/or other materials associated with business activity on the street, in the public right-of-way, or on other public property, except as may be allowed by this code.

(2) Miscellaneous. Any other condition or use of property which gives rise to a reasonable determination by the code enforcement officer that the effect of such use or condition on adjacent public property represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature and/or if permitted to continue will cause the substantial diminution of the enjoyment, use and property values of such properties. [Ord. 389, 2011]

6.25.035 Regulation of location, development, and operation of medical marijuana cultivation.

(1) Regulation of Location.

(a) Medical marijuana cultivation shall be prohibited on any parcel within the incorporated area of the city of Biggs except as an accessory use to a legally established residence within a legal accessory building on a legal parcel.

(b) No medical marijuana cultivation is permitted within 500 feet of any hospital, school, church, park or playground or in other areas where large numbers of minors regularly travel or congregate. The distance between any medical marijuana cultivation and any hospital, school, church, park or playground or other areas where large numbers of minors regularly travel or congregate shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of

the detached accessory building in which the marijuana cultivation is occurring to the closest property line where the other building or activity is conducted.

(c) Except as provided in subsection (1)(d) of this section, medical marijuana cultivation may be undertaken only by a qualified patient who must occupy the residence on the parcel proposed for cultivation as their primary residence.

(d) A qualified primary caregiver, as defined in BMC 6.05.225, may undertake cultivation of medical marijuana on behalf of his/her qualified patient(s), but only in an accessory structure located on a parcel containing the primary caregiver's or qualified patient's primary residence.

(e) Cultivation shall only be permitted in a detached accessory building and said cultivation area shall be limited to 50 square feet per parcel or residence, whichever is less. The cultivated marijuana may be used only by the qualified patient and not distributed, sold, given or transferred in any way to any other person or organization.

(f) Outdoor cultivation shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel within any zoning district in the city of Biggs.

(g) Indoor cultivation within a residence shall be unlawful and a public nuisance with regard to any person owning, leasing, occupying or having charge or possession of any parcel within any zoning district in the city of Biggs.

(2) Development and Operational Standards.

(a) From a public right-of-way, there shall be no exterior evidence of medical marijuana cultivation located inside an accessory building.

(b) The qualified patient or primary caregiver shall reside in the residence located on the parcel containing the accessory structure where the medical marijuana cultivation occurs.

(c) The qualified patient or primary caregiver shall not cultivate medical marijuana in any other location within the city of Biggs other than in the accessory structure located on the parcel containing his/her primary residence.

(d) The qualifying residence located on the property containing the detached accessory building in which medical marijuana is cultivated shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be used for medical marijuana cultivation.

(e) Medical marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

(f) Residential accessory structures used for cultivation shall meet the following criteria:

(i) The building shall be provided with locking doors and have a working security system. The alarm shall be a standard audible residential alarm of at least 90 dBA but not exceeding 110 dBA.

(ii) The structure shall be located in the rear yard portion of the lot and shall, to the extent physically possible, maintain a minimum of a 10-foot setback from the side and rear property lines and from any other building on the parcel.

(iii) Any accessory structure, of any size, utilized for cultivation of marijuana shall be legally constructed with a building permit to the extent required. All electrical and plumbing shall be installed with a valid electrical and plumbing permit from the city. Such building permits will only be issued to the owner of the property. If the resident is proposing to convert an existing accessory structure for cultivation of marijuana, an inspection will be required to ensure compliance with this section.

(iv) Medical marijuana cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable codes.

(v) Accessory structures utilized for cultivation shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the subject property or adjacent properties.

(vi) Other activities may occur within a detached accessory structure where medical marijuana is cultivated; provided, that the cultivation area itself within the structure does not exceed 50 square feet; and further provided, that the cultivation area is segregated from all other building uses by permitted walls and all other conditions of this section are satisfied.

(g) Wherever medical marijuana is grown, a copy of a current and valid state-issued medical marijuana card must be kept available to immediately present to city employees, including but not limited to law enforcement officers, upon request.

(h) Nothing in this section shall be construed as a limitation on the city's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

(3) Accessory Buildings or Structures – Definitions and Criteria.

(a) "Accessory building or structure" means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. An accessory building or structure may be erected only after the principal building or structure is established. See BMC 14.10.030.

(b) Accessory Building – Detached. The following setback criteria shall apply to all detached nonresidential accessory buildings or structures:

(i) Accessory buildings or structures shall comply with front yard requirements for primary dwellings.

(ii) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.

(iii) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.

(iv) The accessory building or structure may be connected to the main building with a breezeway.

(v) Accessory buildings or structures shall be located no closer than six feet to any other building.

(vi) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.

(vii) Shade structures may be constructed no closer than five feet to any side or rear property line. See BMC 14.60.040.

(4) Medical Marijuana Cultivation Location, Development, and Operation Information. In order to best effect the provisions of this section, city staff shall, to the fullest extent possible, jointly uti-

lize medical marijuana cultivation location, development and operation information. [Ord. 395 § 3, 2012]

6.25.040 Declaration of public nuisance.

Any private property, or use of private and/or public property, found to be maintained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. [Ord. 389, 2011]

6.25.050 Existence of public nuisance, hearing, and voluntary abatement.

(1) Enforcement of This Chapter. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by code enforcement officers.

(2) Declaration of Nuisance. Whenever a code enforcement officer or designated city representative finds that a nuisance, as defined in this chapter, exists on any premises located within the city, the officer or representative shall issue a declaration of nuisance to the property owner/occupier of the nuisance and direct said person(s) to abate the nuisance. The property owner shall be identified by the most recent tax assessor's roll.

(3) Contents of Declaration. The declaration described in subsection (2) of this section shall contain the following information:

(a) The name, address, parcel number, and phone number (if applicable) of the property owner;

(b) The city code violation citation section(s);

(c) A statement that the property owner/occupier shall have 10 days from the date of the declaration to abate the declared nuisance by rehabilitation, repair, removal or demolition. If applicable, the declaration may include a recommended abatement procedure.

(4) Voluntary Abatement. The owner/occupier of property found to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the designated abatement period by rehabilitation, repair, removal, or demolition. A

city official shall be advised of the abatement and shall inspect the premises to ensure that the nuisance has in fact been abated.

(5) Failure to Voluntarily Abate a Declared Nuisance. If an owner/occupier of property declared to be a public nuisance fails to voluntarily abate the nuisance within the designated abatement period, the city shall cause to be issued a notice entitled, "NOTICE OF PUBLIC HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART."

(6) Contents of Notice. The notice described in subsection (5) of this section shall substantially follow the form included below:

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

Notice is hereby given that on the ____ day of _____, 20____, the City of Biggs will hold a public hearing at the Biggs City Hall, located at _____, to determine whether the premises and/or a condition(s) thereon at Biggs, California, known and designated as _____ constitutes a public nuisance. If the premises, in whole or part, is found to constitute a public nuisance as defined by Chapter 6.25 of the Biggs Municipal Code, and if the same is not promptly abated by the owner, the nuisance(s) may be abated by municipal authorities, or the municipal authorities may take such other action as provided by law. The cost of rehabilitation, repair, removal or demolition, if done by municipal authorities at their discretion, will be assessed upon the premises and the cost will constitute a lien upon the land until paid. The alleged violation(s) consist(s) of the following:

The methods of abatement available are:

All persons having any objection to, or interest in, these matters are hereby notified to attend a hearing before the City of Biggs to be held on the ____ day of _____, 20____ at the hour of _____, when their testimony and evidence will be heard and given due consideration.

Dated:

(7) Service of Notice. The notice described in subsection (6) of this section shall be served on the owner of the property containing the alleged public

nuisance at least 10 days prior to the date set for the public hearing. Service shall be made by personal service upon the owner or by certified mail. If there is no known address for the owner, the notice shall be sent in care of the property address. "Owner" as used herein means any person(s) shown as the property owner on the latest equalized property tax assessment rolls, and any person having, or claiming to have, any recorded legal or equitable interest in, or to, the fee relating to the premises. In addition, notice of the hearing shall be posted upon the subject property at least five calendar days before the hearing. The failure of any person to receive notice shall not affect the validity of the proceedings.

(8) Hearing by Mayor or Council. The hearing shall be before the mayor. However, in the discretion of the mayor, the hearing may be convened before the city council. At the time and place stated in the notice of hearing, the mayor/council shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from owners, witnesses, city personnel and interested persons relative to the alleged public nuisance and to the proposed abatement methods. The hearing may be continued from time to time. The hearing shall be public; however, if the owner/occupier believes that the hearing should not be public, the owner/occupier shall notify the mayor of the reason(s) therefor at least three days prior to the hearing. The request shall be considered.

(9) Decision of Mayor/Council. Following the public hearing, the mayor/council shall consider all evidence and determine whether the premises, or any part of the premises, constitutes a public nuisance as alleged. If the mayor/council finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, the mayor/council shall make written findings, and the mayor shall sign an order, ordering the owner or other person(s) having charge or control of the premises to abate the nuisance by rehabilitation, repair, removal or demolition in the manner and by the means specifically set forth in the council order. The order shall also contain authorization for the city to abate the nuisance pursuant to this chapter if, in the mayor's/council's discretion, it is determined that abatement by the city is warranted. The order shall set forth the times within which the work shall be

commenced and completed and shall be mailed to the owner by certified mail and shall also be posted upon the premises.

(10) Abatement by City. Upon expiration of the time for abatement provided for in the council order, the city shall inspect the premises for compliance with the order, subject to the requirements of BMC 6.25.060. If, upon inspection or observation by the city, the nuisance has not been completely abated, and subject to authorization by the city council, code enforcement officials or other designated city representatives shall cause the public nuisance to be abated through a civil, administrative, or other permissible procedure.

(11) Right of Contractor for Removal. When the city has contracted with or granted a franchise to any person to carry out the purpose of this chapter, such person(s) shall be authorized to enter private or public property to remedy the violation, thereby allowing the property to comply with this code.

(12) Finding of No Public Nuisance. If the mayor/city council determines that the property owner is not responsible for the public nuisance, the city shall not assess removal and/or administration costs against the property owner.

(13) Alternative Means of Enforcement. This chapter is not the exclusive regulation of code violations. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the state or any other legal entity or agency having jurisdiction. Nothing in this chapter shall be deemed to prevent the city from authorizing the city attorney to commence any other available civil or criminal proceedings to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this chapter. [Ord. 389, 2011]

**6.25.055 Nuisance abatement –
Visible/unsecured odiferous
medical marijuana under
cultivation.**

(1) Medical Marijuana Cultivation/Storage Nuisance Circumstances. Notwithstanding any provision in this chapter, the abatement measures set forth in subsection (2) of this section shall be utilized in the following nuisance circumstances: medical marijuana plants, or the cultivation of medical marijuana plants, visible from the street or

neighboring property; the odor of medical marijuana detected from the street or neighboring property; or the presence, cultivation, processing and/or storage of medical marijuana not in compliance with all of the provisions of BMC 6.25.035.

(2) Abatement Procedure.

(a) The city, through a code enforcement officer or other designees, shall issue a declaration of public nuisance requiring abatement within 48 hours after the posting of that declaration in a conspicuous place at the location of the nuisance. The declaration shall contain the following information:

(i) The location of the premises.

(ii) A description of the specific condition(s) which represent a code violation, and the evidence relied upon to determine the existence of a code violation, except that the city may withhold the identity of a witness if that person requests and if such action is reasonable under the circumstances.

(iii) The date and time when abatement must be completed to avoid any further action from the city.

(iv) A statement that, to avoid the imposition of a civil penalty under subsection (3) of this section, the offending condition(s) must be abated by the deadline set forth in the declaration.

(v) A statement that, if the nuisance is not abated by the deadline set forth in the declaration, the city will issue a notice entitled, "NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART," at which time the city will present evidence of the listed code violations and request the mayor or, at the mayor's discretion, the city council, order the public nuisance be abated and impose a civil penalty of \$1,000 per day for each day that the nuisance remains unabated.

(vi) A statement that, in any administrative or court proceeding to enforce the abatement order, the prevailing party is entitled to recover reasonable attorneys' fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(b) Failure to Voluntarily Abate Nuisance. If after the expiration of the notice period the nuisance has not been abated, the city shall issue a notice, entitled, "NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE." This notice shall be in substantially the same form as the notice described in BMC 6.25.050(6). The hearing shall be before the mayor or, at the mayor's discretion, the city council, and shall be held not less than five days after service of the notice on the owner/occupier of the property. The hearing shall be public; however, if the owner/occupier believes that the hearing should not be public, the owner/occupier shall notify the mayor of the reason(s) therefor at least three days prior to the hearing. The request shall be considered.

(c) Service of Notice. The notice shall be served, either personally or by certified mail, on the owner of the property and, if applicable, the occupier of the property. The notice shall also be posted on the subject property.

(d) Hearing on Notice. At the hearing, the city shall present evidence of unlawful cultivation of marijuana to the mayor/city council. The owner/occupier, if present, shall also be entitled to present evidence. Upon conclusion of the hearing, the mayor/city council shall prepare a written order, which shall include findings of fact and an order. If the mayor/city council finds a public nuisance exists, the officer shall direct the owner/occupier to abate the public nuisance by a date certain. The order shall also contain authorization for the city to abate the nuisance pursuant to this chapter if, in the mayor's/council's discretion, it finds that abatement by the city is warranted. The order shall set forth the times within which the work shall be commenced and completed and shall be mailed to the owner/occupier by certified mail.

(e) Abatement by City. If, upon finding a violation of this section exists, the owner/occupier fails to abate the nuisance as ordered by the mayor/city council, the city shall take steps to obtain and execute an inspection/administrative abatement warrant pursuant to this chapter.

(f) Finding of No Public Nuisance. If the mayor/city council determines that the property owner is not responsible for the public nuisance, the city shall not assess removal and/or administration costs against the property owner.

(3) Civil Penalties and Attorneys' Fees.

(a) Civil Penalty. Fines in the amount of up to \$1,000 per day shall be imposed upon the property owner/occupier as deemed in the above-described order for each day the property remains in violation of this section upon expiration of the time for abatement set forth in a final order under subsection (2)(d) of this section. For good cause, the mayor/council may waive all or part of the penalty.

(b) Attorneys' Fees. In any administrative or court proceeding to enforce the abatement order, the prevailing party is entitled to recover reasonable attorneys' fees from the other party or parties to the action, if the city elects, at the initiation of an individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. [Ord. 395 § 6, 2012; Ord. 389, 2011]

6.25.060 Public agency inspections.

(1) Inspection of Premises. Code enforcement officers shall request consent of the owner/occupier of private property located in the city believed to be in violation of this chapter to enter and inspect for such violation(s). If consent is not freely given, code enforcement officers shall first obtain an inspection warrant pursuant to Code of Civil Procedure Section 1822.50 et seq. prior to entry onto private property.

(a) Exception for Violations in Plain View. Nothing in this chapter shall preclude code enforcement officers from performing warrantless inspections of areas in plain view of such officers.

(b) Exception for Pervasively Regulated Activities. Nothing in this chapter shall preclude code enforcement officers from performing routine warrantless inspections of pervasively regulated activities.

(c) Exception for Open Fields. Nothing in this chapter shall preclude code enforcement officers from performing warrantless inspections of open fields.

(d) Exception for Exigent Circumstances. Nothing in this chapter shall preclude code enforcement officers from performing warrantless inspections under exigent circumstances.

(2) Form of Inspection Warrant. The inspection warrant shall contain, at a minimum, the following information:

(a) Description of Premises. The warrant shall include a description of the property onto which the city seeks entry, including, if possible, the assessor's parcel number of the property, as well as the specific area(s) of entry on the subject property (i.e., yard, dwelling house, outside structures, etc.).

(b) Purpose of Entry. The warrant shall contain the city's purpose for entry onto the property (i.e., to inspect for code violations, etc.).

(c) Conditions of Entry. The warrant shall contain the conditions of the city's entry onto the property, including, but not limited to:

(i) Applicable Hours of Execution. The desired hours of execution of the warrant.

(ii) Entry Without Owner Present. Whether the city shall be authorized to enter onto the property without the owner/occupier present.

(iii) Twenty-Four-Hour Notice. Whether the city is required to provide 24-hour notice to the owner/occupier of the property.

(iv) Forcible Entry. Whether the city may execute the warrant by means of force.

(d) Duration of Warrant. The warrant shall contain the duration of the warrant, including any extensions requested/given.

(e) Interference Punishable by Misdemeanor. The warrant shall contain the following statement:

Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to Title 13 of Part 3 of the Code of Civil Procedure is guilty of a misdemeanor.

(3) Form of Affidavit. The city shall cause to be prepared an affidavit to support issuance of an inspection warrant containing a showing of cause for the entry and including any written exhibits to be presented to the warrant judge.

(4) Combined Inspection/Administrative Abatement Warrant. The city may use a combined inspection/administrative abatement warrant form.

(5) Procedure for Obtaining Inspection Warrant. The city shall submit the inspection warrant and supporting affidavit to the warrant judge then on duty for issuance. Alternatively, or upon request of the warrant judge, the city may notice a hearing for presentation of evidence in support of issuance

of the warrant. If a hearing is desired, the city must provide notice to the owner/occupier of the subject property. The failure of the owner/occupier to appear at a noticed hearing shall not preclude issuance of an inspection warrant under this chapter.

(6) Execution of Warrant. The city shall execute the inspection warrant pursuant to the terms contained therein and applicable law. Upon execution of the warrant, the city shall cause to be filed with the warrant judge a return, which shall contain a declaration, under penalty of perjury, signed by the person who executed the warrant, which includes the date and time and location of execution, whether the owner/occupier was present, and an inventory of any property seized, as well as a proof of service of the return on the owner/occupier. [Ord. 389, 2011]

6.25.065 Administrative public nuisance abatement by city.

(1) Administrative Abatement. If a public nuisance has been declared under BMC 6.25.050 or 6.25.055, and where the owner/occupier has failed to abate the nuisance and the city has been authorized to so abate, the city may follow the procedures set forth herein to abate the nuisance by the administrative process through the city's police power.

(2) Administrative Abatement Warrant. Subject to the exceptions listed herein, prior to entering onto private property within the city of Biggs, the city shall obtain an administrative abatement warrant pursuant to this section.

(a) Exception for Consent. Where the owner/occupier consents to the city's entrance onto the subject property, the city need not first obtain an administrative abatement warrant.

(b) Exception for Violations in Plain View. Where the city is lawfully on the subject property, the city need not first obtain an administrative abatement warrant to abate a public nuisance in plain view of the city official(s).

(c) Exception for Open Fields. The city need not first obtain an administrative abatement warrant to abate a public nuisance which exists in an open field within the city's geographic boundaries.

(d) Exception for Exigent Circumstances. The city need not first obtain an administrative abatement warrant to abate a public nuisance under exigent circumstances.

(3) Form of Administrative Abatement Warrant. The city shall cause to be prepared an administrative abatement warrant and affidavit. The warrant shall contain, at a minimum, the following information:

(a) Description of Premises. The warrant shall include a description of the property onto which the city seeks entry, including, if possible, the assessor's parcel number of the property, as well as the specific area(s) of entry on the subject property (i.e., yard, dwelling house, outside structures, etc.).

(b) Purpose of Entry. The warrant shall contain the city's purpose for entry onto the property (i.e., to abate the public nuisance of _____).

(c) Conditions of Entry. The warrant shall contain the conditions of the city's entry onto the property, including, but not limited to:

(i) Applicable Hours of Execution. The desired hours of execution of the warrant.

(ii) Entry Without Owner Present. Whether the city shall be authorized to enter onto the property without the owner/occupier present.

(iii) Twenty-Four-Hour Notice. Whether the city is required to provide 24-hour notice to the owner/occupier of the property.

(iv) Forcible Entry. Whether the city may execute the warrant by means of force.

(d) Duration of Warrant. The warrant shall contain the duration of the warrant, including any extensions requested/given.

(e) Disposition of Property. The warrant shall contain directions for the disposition of any property obtained.

(f) Interference Punishable by Misdemeanor. The warrant shall contain the following statement:

Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to Title 13 of Part 3 of the Code of Civil Procedure is guilty of a misdemeanor.

(4) Form of Affidavit. The city shall cause to be prepared an affidavit to support issuance of an administrative abatement warrant containing a showing of good cause for the entry and including any written exhibits to be presented to the warrant judge.

(5) Procedure for Obtaining Administrative Abatement Warrant. The city shall submit the administrative abatement warrant and supporting affidavit to the warrant judge then on duty for issuance.

Alternatively, or upon request of the warrant judge, the city may notice a hearing for presentation of evidence in support of issuance of the warrant. If a hearing is desired, the city must provide notice to the owner/occupier of the subject property. The failure of the owner/occupier to appear at a noticed hearing shall not preclude issuance of an administrative abatement warrant under this chapter.

(6) Execution of Warrant. The city shall execute the administrative abatement warrant pursuant to the terms contained therein and applicable law. Upon execution of the warrant, the city shall cause to be filed with the warrant judge a return, which shall contain a declaration, under penalty of perjury, signed by the person who executed the warrant, which includes the date and time and location of execution, whether the owner/occupier was present, and an inventory of any property seized, as well as a proof of service of the return on the owner/occupier.

(7) Alternative Means of Enforcement. This section is not the exclusive regulation of code violations. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the state, or any other legal entity or agency having jurisdiction. Nothing in this section shall be deemed to prevent the city from authorizing the city attorney to commence any other available civil or criminal proceedings to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this chapter. [Ord. 389, 2011]

6.25.070 Summary abatement.

Nothing in this chapter shall limit the city's authority to summarily abate a public nuisance which reasonably appears to pose an immediate threat to the health, safety and welfare of its citizens. [Ord. 389, 2011]

6.25.080 Nuisance abatement lien (Gov. Code Section 38773.1).

(1) Costs of Abatement Borne by Property Owner. In any action to determine the existence of and/or abate a public nuisance, the owner of the property declared to be a public nuisance shall be responsible for the city's costs incurred herein. Such costs shall constitute a lien on the subject property.

(2) **Notice of Lien.** The city shall provide notice prior to the recordation of the lien to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

(3) **Service of Notice.** The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062 of the Government Code.

(4) **Contents of Lien.** A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(5) **Recordation of Lien.** A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(6) **Discharge of Lien.** In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (4) of this section shall be recorded by the city. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(7) **Foreclosure of Lien.** A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

(8) **Recovery of Costs of Recording.** A city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(9) In any action, administrative proceeding or special proceeding to abate a nuisance in which the city elects, at the initiation of the action or proceeding, to seek recovery of its attorneys' fees, the prevailing party in the action or proceeding shall

recover its attorneys' fees incurred in the action or proceeding. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. "Prevailing party" shall not include a party who complies with a notice of violation issued by the city or an order in any action, administrative proceeding or special proceeding. Attorneys' fees shall include fees for the services of the city attorney or his or her assistant and deputies, calculated based on the effective hourly rate of such attorney. [Ord. 395 § 7, 2012; Ord. 389, 2011]

6.25.085 Nuisance abatement fines.

(1) Issuance of the Declaration of Nuisance (BMC 6.25.050(2)).

(a) \$0.00.

(b) Frequent violator: \$100.00.

(2) Issuance of Notice of Public Hearing (BMC 6.25.050(5)).

(a) \$100.00.

(b) Frequent violator: \$200.00.

(3) After Mayor/Council Hearing (BMC 6.25.050(9)).

(a) Up to \$250.00.

(b) Frequent violator: up to \$500.00.

(c) In addition to the above: up to \$100 per day until abated.

(4) Issuance of Fines for Visible/Odiferous and/or Nonregulatory Compliant Medical Marijuana Cultivation.

(a) Up to \$1,000 per day, upon expiration of time for abatement (BMC 6.25.055(3)(a)).

(b) Frequent violator: up to \$500, in addition to subsection (4)(a) of this section.

(5) For the purposes of this section, "frequent violator" is an owner/occupier who has been issued more than one declaration of nuisance notice in the preceding 12 months under the same numbered subsection of BMC 6.25.020 or 6.25.030, or BMC 6.25.055. [Ord. 395 § 8, 2012; Ord. 389, 2011]



City of Biggs - Dept. of Planning
3016 Sixth Street / P.O. Box 1134
Biggs, CA 95917
(530) 868 -5447

**NOTICE OF CODE VIOLATION(S) –
DANGEROUS BUILDING and PUBLIC HEALTH AND SAFETY
AT 479 B Street
and
NOTICE OF INTENT TO ABATE A PUBLIC NUISANCE –
FIFTEEN (15) DAY NOTICE**

Date: March 25, 2014

To: William Hamilton
5800 Clark Rd Suite 11
Paradise Ca 95969

RE: BMC Code Compliance Issue 03-14-1BLDG
Assessor Parcel Number: 001-081-009

SUBJECT: Dilapidated/Dangerous Building and Private Property Nuisance

Dear Property Owner:

The purpose of this letter is to inform you that the City of Biggs has determined that a Violation(s) of the City of Biggs Municipal Code exists on the property described as **479 B Street, Biggs, CA 95917** and it is declared pursuant to Section 6.25.040 of the Biggs Municipal Code that a public nuisance exists on the site. This letter is being sent to provide notice to the owner of the property of the City of Biggs' intent to abate the public nuisance and to hold the owner of the property liable for all cost incurred as part of the abatement process. **It is the intent of the City of Biggs to initiate abatement proceedings within fifteen (15) days following the date shown at the top of this letter.**

Nature of Complaint: The City of Biggs has determined that a private property nuisance exists at the above noted property (479 B Street) pursuant to *Title 11 – BUILDINGS AND CONSTRUCTION, Chapter 11.25, Dangerous Buildings* which indicates that “[i]t shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring building and such building is hereby declared to be a public nuisance [Ord. 39 § 1, 1915].”

Additionally, the City of Biggs has determined that a public health and safety nuisance exists on the subject property pursuant to *Title 6 - HEALTH AND SAFETY NUISANCE ABATEMENT, Chapter 6.25, Health and Safety Nuisance Abatement* 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.

6.25.020 Unlawful Property Nuisance – Private Property:

E. Buildings and Structures

1. Buildings dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials for more than thirty (30) days.
2. Buildings left in a state of partial construction for six (6) months, unless there are, in the opinion of the Code Enforcement Officer, compelling extenuating circumstances.
3. Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
4. Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
5. Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances."

Based upon information received by members of the general public indicating that dangerous building conditions exist on the site and multiple visual inspections of the subject property by City during the months of February and March 2014, the following conditions were observed on the site which constitutes violations of the sections of the Biggs Municipal Code cited above:

- ✓ Broken Windows (some secured with wood others without); *BMC 6.25.030.5.a,d*
- ✓ Building left in a state of disrepair for a period exceeding thirty (30) days; *BMC 6.25.030.b*
- ✓ Excessive weed growth at the rear of the subject building; *BMC 6.25.030.2.a,b*
- ✓ Accumulation of litter at the rear of the subject building; *BMC 6.25.030.3*, and,
- ✓ Uncontrolled animal usage of the site and building (pigeons observed entering and exiting broken windows and cats observed moving in and out of building and site).

Please be advised that City Staff are available to discuss this matter with you and looks forward to the opportunity to work with you to resolve this issue. If you have questions about this letter or the items at issue, please contact Scott Friend, AICP, City Planner at (530) 894-3469 ext. 13214 or Mark Sorensen, City Administrator at (530) 868-0100, **no later than April 8, 2014**. Please note that if no contact has been made to the City about this matter and/or if no attempt has been made to resolve this issue, the City of Biggs Code Enforcement Division will initiate formal nuisance abatement proceedings on the property.

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: _____
Scott Friend, AICP
City Planner

*Enclosure: Chapter 6.025 Health and Safety Nuisance Abatement
Chapter 11.25 Dangerous Buildings*

cc: Case file
Scott Friend, City Planner



City of Biggs - Dept. of Planning
3016 Sixth Street / P.O. Box 1134
Biggs, CA 95917
(530) 868 -5447

**NOTICE OF CODE VIOLATION(S) –
DANGEROUS BUILDING and PUBLIC HEALTH AND SAFETY
AT 481 B Street
and
NOTICE OF INTENT TO ABATE A PUBLIC NUISANCE –
FIFTEEN (15) DAY NOTICE**

Date: March 25, 2014

To: Brink Charlotte M Testamentary Trust Et Al
PO Box 634
Biggs, CA 95917

and

Mr. Bill Fiedler
PO BOX 634
Biggs, CA 95917

RE: BMC Code Compliance Issue 03-14BLDG
Assessor Parcel Number: 001-081-008

SUBJECT: Dilapidated/Dangerous Building and Private Property Nuisance

Dear Property Owner:

The purpose of this letter is to inform you that the City of Biggs has determined that a Violation(s) of the City of Biggs Municipal Code exists on the property described as **481 B Street, Biggs, CA 95917** and it is declared pursuant to Section 6.25.040 of the Biggs Municipal Code that a public nuisance exists on the site. This letter is being sent to provide notice to the owner of the property of the City of Biggs' intent to abate the public nuisance and to hold the owner of the property liable for all cost incurred as part of the abatement process. **It is the intent of the City of Biggs to initiate abatement proceedings within fifteen (15) days following the date shown at the top of this letter.**

Nature of Complaint: The City of Biggs has determined that a private property nuisance exists at the above noted property (481 B Street) pursuant to *Title 11 – BUILDINGS AND CONSTRUCTION, Chapter 11.25, Dangerous Buildings* which indicates that "[i]t shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring building and such building is hereby declared to be a public nuisance [Ord. 39 § 1, 1915]."

Additionally, the City of Biggs has determined that a public health and safety nuisance exists on the subject property pursuant to *Title 6 - HEALTH AND SAFETY NUISANCE ABATEMENT, Chapter 6.25, Health and Safety Nuisance Abatement* 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.

6.25.020 Unlawful Property Nuisance – Private Property:

E. Buildings and Structures

1. Buildings dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials for more than thirty (30) days.
2. Buildings left in a state of partial construction for six (6) months, unless there are, in the opinion of the Code Enforcement Officer, compelling extenuating circumstances.
3. Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
4. Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
5. Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances.”

Based upon information received by members of the general public indicating that dangerous building conditions exist on the site and multiple visual inspections of the subject property by City during the months of February and March 2014, the following conditions were observed on the site which constitutes violations of the sections of the Biggs Municipal Code cited above:

- ✓ Broken Windows (some secured with wood others without); *BMC 6.25.030.5.a,d*
- ✓ Building left in a state of disrepair for a period exceeding thirty (30) days; *BMC 6.25.030.b*
- ✓ Excessive weed growth at the rear of the subject building; *BMC 6.25.030.2.a,b*
- ✓ Accumulation of litter at the rear of the subject building; *BMC 6.25.030.3*, and,
- ✓ Uncontrolled animal usage of the site and building (pigeons observed entering and exiting broken windows and cats observed moving in and out of building and site).

Please be advised that City Staff are available to discuss this matter with you and looks forward to the opportunity to work with you to resolve this issue. If you have questions about this letter or the items at issue, please contact Scott Friend, AICP, City Planner at (530) 894-3469 ext. 13214 or Mark Sorensen City Administrator at (530) 868-0100, **no later than April 8, 2014**. Please note that if no contact has been made to the City about this matter and/or if no attempt has been made to resolve this issue, the City of Biggs Code Enforcement Division will initiate formal nuisance abatement proceedings on the property.

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: _____
Scott Friend, AICP
City Planner

*Enclosure: Chapter 6.025 Health and Safety Nuisance Abatement
Chapter 11.25 Dangerous Buildings*

cc: Case file
Scott Friend, City Planner



City of Biggs - Dept. of Planning
3016 Sixth Street / P.O. Box 1134
Biggs, CA 95917
(530) 868 -5447

**NOTICE OF CODE VIOLATION(S) –
DANGEROUS BUILDING and PUBLIC HEALTH AND SAFETY
AT 483 B Street
and
NOTICE OF INTENT TO ABATE A PUBLIC NUISANCE –
FIFTEEN (15) DAY NOTICE**

Date: March 25, 2014

To: Elvira Montez
PO Box 1096
Gridley, CA 95948

Pete Montez
PO Box 326
Gridley, CA 95948

RE: BMC Code Compliance Issue 03-14BLDG
Assessor Parcel Number: 001-081-007

SUBJECT: Dilapidated/Dangerous Building and Private Property Nuisance

Dear Property Owner:

The purpose of this letter is to inform you that the City of Biggs has determined that a Violation(s) of the City of Biggs Municipal Code exists on the property described as **483 B Street, Biggs, CA 95917** and it is declared pursuant to Section 6.25.040 of the Biggs Municipal Code that a public nuisance exists on the site. This letter is being sent to provide notice to the owner of the property of the City of Biggs' intent to abate the public nuisance and to hold the owner of the property liable for all cost incurred as part of the abatement process. **It is the intent of the City of Biggs to initiate abatement proceedings within fifteen (15) days following the date shown at the top of this letter.**

Nature of Complaint: The City of Biggs has determined that a private property nuisance exists at the above noted property (483 B Street) pursuant to *Title 11 – BUILDINGS AND CONSTRUCTION, Chapter 11.25, Dangerous Buildings* which indicates that “[i]t shall be unlawful for any person, company, or corporation to allow any building owned or controlled by them to become so dilapidated or out of repair through misuse, neglect, or decay as to be dangerous or untenable, or constitute a fire menace to neighboring building and such building is hereby declared to be a public nuisance [Ord. 39 § 1, 1915].”

Additionally, the City of Biggs has determined that a public health and safety nuisance exists on the subject property pursuant to *Title 6 - HEALTH AND SAFETY NUISANCE ABATEMENT, Chapter 6.25, Health and Safety Nuisance Abatement* 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.

6.25.020 Unlawful Property Nuisance – Private Property:

E. Buildings and Structures

1. Buildings dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials for more than thirty (30) days.
2. Buildings left in a state of partial construction for six (6) months, unless there are, in the opinion of the Code Enforcement Officer, compelling extenuating circumstances.
3. Buildings subject to demolition pursuant to applicable permit or other authority, for which demolition has not been diligently pursued.
4. Unsecured buildings constituting hazardous conditions or inviting or permitting trespassers and malicious mischief.
5. Unsecured or structurally damaged/unsound awnings or overhangs, porches or building appurtenances."

Based upon information received by members of the general public indicating that dangerous building conditions exist on the site and multiple visual inspections of the subject property by City during the months of February and March 2014, the following conditions were observed on the site which constitutes violations of the sections of the Biggs Municipal Code cited above:

- ✓ Broken Windows (some secured with wood others without); *BMC 6.25.030.5.a,d*
- ✓ Building left in a state of disrepair for a period exceeding thirty (30) days; *BMC 6.25.030.b*
- ✓ Excessive weed growth at the rear of the subject building; *BMC 6.25.030.2.a,b*
- ✓ Accumulation of litter at the rear of the subject building; *BMC 6.25.030.3*, and,
- ✓ Uncontrolled animal usage of the site and building (pigeons observed entering and exiting broken windows and cats observed moving in and out of building and site).

Please be advised that City Staff are available to discuss this matter with you and looks forward to the opportunity to work with you to resolve this issue. If you have questions about this letter or the items at issue, please contact Scott Friend, AICP, City Planner at (530) 894-3469 ext. 13214 or Mark Sorensen, City Administrator at (530) 868-0100, **no later than April 8, 2014**. Please note that if no contact has been made to the City about this matter and/or if no attempt has been made to resolve this issue, the City of Biggs Code Enforcement Division will initiate formal nuisance abatement proceedings on the property.

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: _____
Scott Friend, AICP
City Planner

*Enclosure: Chapter 6.025 Health and Safety Nuisance Abatement
Chapter 11.25 Dangerous Buildings*

cc: Case file
Scott Friend, City Planner