



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA Regular City Council Meeting

CITY COUNCIL
Monday, March 10, 2025

CITY OF ROLLING HILLS
7:00 PM

The meeting agenda is available on the City's website. The City Council meeting will be live-streamed on the City's website. Both the agenda and the live-streamed video can be found here:
<https://www.rolling-hills.org/government/agenda/index.php>

Members of the public may submit written comments in real-time by emailing the City Clerk's office at cityclerk@cityofrh.net. Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

Recordings to City Council meetings can be found here: <https://www.rolling-hills.org/government/agenda/index.php>

Next Resolution No. 1386

Next Ordinance No. 386

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS/PROCLAMATIONS/ANNOUNCEMENTS

5. APPROVE ORDER OF THE AGENDA

This is the appropriate time for the Mayor or Councilmembers to approve the agenda as is or reorder.

6. BLUE FOLDER ITEMS (SUPPLEMENTAL)

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.

6.A. FOR BLUE FOLDER DOCUMENTS APPROVED AT THE CITY COUNCIL MEETING

RECOMMENDATION: Approved

[CL_AGN_250310_CC_Item8F.pdf](#)

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

*This is the appropriate time for members of the public to make comments regarding items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

8. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any Councilmember may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The

Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

8.A. [APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF MARCH 10, 2025](#)

RECOMMENDATION: Approve.

[CL_AGN_250310_CC_AffidavitofPosting.pdf](#)

8.B. [APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA](#)

RECOMMENDATION: Approve.

8.C. [APPROVE THE FOLLOWING CITY COUNCIL MINUTES: FEBRUARY 24, 2025 REGULAR MEETING](#)

RECOMMENDATION: Approve as presented.

[CL_MIN_250224_CC_F.pdf](#)

8.D. [PAYMENT OF BILLS](#)

RECOMMENDATION: Approve as presented.

[CL_AGN_250310_CC_PaymentOfBills_E.pdf](#)

8.E. [REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR JANUARY 2025](#)

RECOMMENDATION: Receive and file.

[VC_REP_250220_Jan_C&D Report.pdf](#)

[VC_REP_250220_Jan_RedTags.pdf](#)

[VC_REP_250220_Jan_TonnageReport.pdf](#)

[VC_REP_250220_Jan_CallLog_Redacted.pdf](#)

[VC_REP_250306_JanuaryComplaintList_Redacted.pdf](#)

8.F. [ADOPT RESOLUTION 1385 AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA](#)

RECOMMENDATION: Approve as presented.

[ResolutionNo1385_ApprovingDestructionOfRecords_F.pdf](#)

[CL_RRM_250310_FormRM2_DestroyPaperAfterImaging.pdf](#)

9. EXCLUDED CONSENT CALENDAR ITEMS

10. COMMISSION ITEMS

11. PUBLIC HEARINGS

12. OLD BUSINESS

13. NEW BUSINESS

14. MATTERS FROM THE CITY COUNCIL

15. MATTERS FROM STAFF

15.A. [RECEIVE AND FILE A PUBLIC SAFETY AND EMERGENCY PREPAREDNESS UPDATE](#)

RECOMMENDATION: Receive and file.

[CL_AGN_CC_250210_Item15A_PublicSafetyReport.pdf](#)

15.B. [DISCUSSION ON EXISTING NUISANCE ORDINANCE AND POTENTIAL UPDATES](#)

RECOMMENDATION: Receive and file. Provide direction to staff.

[Attachment A - CL_AGN_250310_RH_CodeOfOrdinances.pdf](#)

[Attachment B - CL_AGN_250310_NuisanceAbatement_AgencySurvey.pdf](#)

[Attachment C - CL_AGN_250310_RHE_CodeOfOrdinances.pdf](#)

[Attachment D - CL_AGN_250310_RPV_CodeOfOrdinances.pdf](#)

[Attachment E - CL_AGN_250310_PVE_MunicodeChapter_8.48_Nuisances_General.pdf](#)

[Attachment F - CL_AGN_250310_LakeForest_CodeOfOrdinances.pdf](#)

[Attachment G -](#)

[CL_AGN_250310_AlisoViejo_MunicodeChapter_1.06_Violations&Penalties.pdf](#)

[Attachment H - CL_AGN_250310_LagunaBeach_NuisanceAbatement.pdf](#)

16. RECESS TO CLOSED SESSION

16.A. [EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9\(D\)\(1\)THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. \(1 CASE\) a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. \(SEAVIEW CASE\) CASE NO.: 24STCV20953](#)

RECOMMENDATION: None.

16.B. [CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9 \(TWO CASES\) CPUC COMPLAINTS AGAINST SOUTHERN CALIFORNIA EDISON AND SOCAL GAS](#)

RECOMMENDATION: None.

16.C. [CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION GOVERNMENT CODE SECTION 54956.9\(D\)\(1\) THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. \(1 CASE\)](#)

RECOMMENDATION: None.

17. RECONVENE TO OPEN SESSION

18. ADJOURNMENT

Next regular meeting: Monday, March 24, 2025 at 7:00 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Public Comment is welcome on any item prior to City Council action on the item.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in

the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.A
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: FOR BLUE FOLDER DOCUMENTS APPROVED AT THE CITY COUNCIL MEETING

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approved.

ATTACHMENTS:

[CL_AGN_250310_CC_Item8F.pdf](#)

BLUE FOLDER ITEM (SUPPLEMENTAL)

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.

CITY COUNCIL MEETING March 10, 2025

- 8F. ADOPT RESOLUTION 1385 AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA**
FROM: CHRISTIAN HORVATH, CITY CLERK/EXECUTIVE ASSISTANT TO THE CITY MANAGER

[ResolutionNo1385_ApprovingDestructionOfRecords_F.pdf](#)
[CL_RRM_250310_FormRM2_DestroyPaperAfterImaging.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.A
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF MARCH 10, 2025

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:

[CL_AGN_250310_CC_AffidavitofPosting.pdf](#)



Administrative Report

8.A., File # 2677

Meeting Date: 3/10/2025

To: MAYOR & CITY COUNCIL

From: Christian Horvath, City Clerk

TITLE

APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF MARCH 10, 2025

EXECUTIVE SUMMARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body	City Council
Posting Type	Regular Meeting Agenda
Posting Location	2 Portuguese Bend Road, Rolling Hills, CA 90274 City Hall Window City Website: https://www.rolling-hills.org/government/agenda/index.php https://www.rolling-hills.org/government/city_council/city_council_archive_agendas/index.php

Meeting Date & Time	MARCH 10, 2025	7:00pm Open Session
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As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: March 7, 2025



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.B
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.C
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: APPROVE THE FOLLOWING CITY COUNCIL MINUTES: FEBRUARY 24, 2025 REGULAR MEETING

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_MIN_250224_CC_F.pdf](#)



1. CALL TO ORDER

The City Council of the City of Rolling Hills met in person on the above date at 7:00 p.m. Mayor Pieper presiding.

2. ROLL CALL

Councilmembers Present:	Mirsch, Wilson, Dieringer, Mayor Pieper
Councilmembers Absent:	Black
Staff Present:	Karina Bañales, City Manager Christian Horvath, City Clerk / Executive Assistant to the City Manager Stephanie Grant, Assistant Planner Robert Samario, Finance Operations Lead Consultant Pat Donegan, City Attorney

3. PLEDGE OF ALLEGIANCE – Councilmember Wilson

4. PRESENTATIONS / PROCLAMATIONS / ANNOUNCEMENTS

4.A. RECEIVE AN FILE A PRESENTATION ON USE OF PROPANE TANKS WITHIN CITY LIMITS FROM LOS ANGELES COUNTY FIRE DEPARTMENT

Presentation by LA County Fire Department Assistant Chief Brian Kane

Public Comment: Abas Goodarzi

5. APPROVE ORDER OF THE AGENDA

Mayor Piper approved the order of the agenda. Without objection so ordered.

6. BLUE FOLDER ITEMS (SUPPLEMENTAL) – NONE

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Public Comment: Jim Aichele

8. CONSENT CALENDAR

8.A. APPROVE AFFIDAVIT OF POSTING FOR THE CITY COUNCIL REGULAR MEETING OF FEBRUARY 24, 2025

8.B. APPROVE MOTION TO READ BY TITLE ONLY AND WAIVE FURTHER READING OF ALL ORDINANCES AND RESOLUTIONS LISTED ON THE AGENDA

8.C. APPROVE THE FOLLOWING CITY COUNCIL MINUTES: FEBRUARY 10, 2025 REGULAR MEETING

8.D. PAYMENT OF BILLS

8.E. APPROVE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH 4LEAF, INC. FOR A ONE-YEAR EXTENSION FOR CODE ENFORCEMENT SERVICES

8.F. CONSIDER AND APPROVE THE PLANNED EXPENDITURES FOR FISCAL YEAR 2025-2026 SAFE, CLEAN WATER (MEASURE W) MUNICIPAL PROGRAM FUNDS FOR SUBMISSION TO LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Motion by Councilmember Mirsch, seconded by Councilmember Wilson to approve the Consent Calendar. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

9. EXCLUDED CONSENT CALENDAR ITEMS – NONE

10. COMMISSION ITEMS

10.A. RECEIVE AND FILE ZONING CASE NO. 24-027: VARIANCE FOR RESIDENTIAL ADDITION TO ENCROACH INTO THE SETBACK LOCATED AT 15 FLYING MANE ROAD, ROLLING HILLS, CA 90274, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (LOT 54-SF) (MOLLURA & ROGERS)

Presentation by Assistant Planner Grant

Motion by Councilmember Willson, seconded by Councilmember Mirsch to receive and file. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

11. PUBLIC HEARINGS – NONE

12. OLD BUSINESS – NONE

13. NEW BUSINESS

13.A. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH JOHN L. HUNTER AND ASSOCIATES FOR ANNUAL TMDL TRASH MONITORING AND REPORTING AS REQUIRED BY THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

Presentation by City Manager Bañales

Public Comment: Kathleen McGowan

Motion by Councilmember Wilson, seconded by Councilmember Mirsch to approve as presented. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None

ABSENT: Black

13.B. FISCAL YEAR 2024/25 MID-YEAR REPORT FOR THE SIX MONTHS ENDED DECEMBER 31, 2024

Presentation by Finance Operations Lead Consultant Samario

Public Comment: Abas Goodarzi

Motion by Mayor Pro Tem Dieringer, seconded by Councilmember Wilson to receive and file. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

13.C. CONSIDERATION OF WAIVER OF DIRECT ASSESSMENTS FOR REFUSE

Presentation by Finance Operations Lead Consultant Samario

Public Comment: Abas Goodarzi, Jim Aichele

Motion by Councilmember Mirsch, seconded by Mayor Pro Tem Dieringer to respond to the LA County Assessor's Office stating the City will not waive the direct assessment for refuse services. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

14. MATTERS FROM THE CITY COUNCIL

14.A. CONSIDERATION OF ESTABLISHING POLICIES TO PREVENT FRAUDULENT ACTIVITY (MAYOR PRO TEM DIERINGER)

Presentation by City Manager Bañales
Finance Operations Lead Consultant Samario

Public Comment: Abas Goodarzi

Mayor Pieper directed staff to make recommendations regarding procedures and/or policies and bring back to the City Council if necessary. Without objection, so ordered.

14.B. RECEIVE AND FILE A PRESENTATION ON THE STATUS OF EMERGENCY GENERATOR USE WITHIN CITY LIMITS, DUE TO THE RECENT UTILITY SHUT OFFS

Presentation by City Manager Bañales

Public Comment: Abas Goodarzi, Jim Aichele

Motion by Councilmember Wilson, seconded by Councilmember Mirsch to receive and file and return with an update during the April 7, 2025 City Council meeting. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

14.C. RECEIVE AND FILE A SUMMARY REPORT ON PREVIOUS FIRE FUEL COMMITTEE DISCUSSION, RECOMMENDATIONS AND/OR ACTIONS (COUNCILMEMBER MIRSCH)

Presentation by City Manager Bañales

Public Comment: Jim Aichele

Motion by Councilmember Wilson, seconded by Councilmember Mirsch to remove Councilmember Mirsch as a member of the Ad Hoc Fire Fuel Committee and nominate Mayor Piper as her replacement. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

15. MATTERS FROM STAFF

15.A. APPROVE AND AUTHORIZE THE CITY MANAGER TO SIGN A MUTUAL AID PERSONNEL COOPERATION AGREEMENT BETWEEN THE CITY OF ROLLING HILLS AND THE CITY OF MALIBU FOR TEMPORARY PERSONNEL ASSISTANCE

Presentation by City Manager Bañales

Motion by Councilmember Mirsch, seconded by Mayor Pro Tem Dieringer to approve as presented. Motion carried unanimously with the following vote:

AYES: Mirsch, Wilson, Dieringer, Mayor Pieper
NOES: None
ABSENT: Black

16. RECESS TO CLOSED SESSION – 9:43 P.M.

16.A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957 (B)(1) TITLE: CITY MANAGER

16.B. EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1) THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE) a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. (SEAVIEW CASE) CASE NO.: 24STCV20953

16.C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9 (2 CASES) CPUC COMPLAINTS AGAINST SOTHERN CALIFORNIA EDISON AND SOCAL GAS

16.D. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION GOVERNMENT CODE SECTION 54956.9(D)(1) THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE)

17. RECONVENE TO OPEN SESSION – 10:12 P.M.

18. ADJOURNMENT: 10:12 P.M.

The meeting was adjourned at 10:12 p.m. on February 24, 2025. The next regular meeting of the City Council is scheduled to be held on Monday, March 10, 2025 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California. It will also be available via City's website link at: <https://www.rolling-hills.org/government/agenda/index.php>

All written comments submitted are included in the record and available for public review on the City website.

Respectfully submitted,

Christian Horvath, City Clerk

Approved,

Jeff Pieper, Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.D
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: PAYMENT OF BILLS

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[CL_AGN_250310_CC_PaymentOfBills_E.pdf](#)

CITY OF ROLLING HILLS
AP25-016, ACH25-016, ACH25-016A
 Check Run 03/05/2025

Check No.	Check Date	Payee	Description	Amount
028864	3/5/2025	Alan Palermo Consulting	Feb 2025 Svcs-ADA, Siren, Sewer, Tennis Crls,	2,145.00
028865	3/5/2025	Bergeman Group	Professional Services for Oct 2024 - Tennis Courts	6,390.00
028866	3/5/2025	Cox Communications	Phone Service Feb 26 - Mar 25, 2025	94.06
028867	3/5/2025	Environmental Design Associates	2024 MWELO Annual Rept to DWR	375.00
028868	3/5/2025	Executive Suite Services Inc.	December 2024 Janitorial Services	1,150.00
028868	3/5/2025	Executive Suite Services Inc.	February 2025 Janitorial Services	920.00
028868	3/5/2025	Executive Suite Services Inc.	January 2025 Janitorial Services	1,150.00
CHECK TOTAL			\$ 3,220.00	
028869	3/5/2025	GWMA	Harbor Toxic Downstream FY 24-25	21,486.00
028870	3/5/2025	County of Los Angeles	January 2025 Animal Care Housing Costs	85.99
028871	3/5/2025	McGowan Consulting	Municipal Stormwater Consulting Services for Jan.	4,419.50
028872	3/5/2025	Orkin	Monthly Pest Control for February 2025	187.00
028873	3/5/2025	Point and Pay	Online Pay Service for February 2025	25.00
028874	3/5/2025	Race Communications	Race Communications Fiber for March 2025	1,020.00
028875	3/5/2025	Rogers, Anderson, Malody & Scott,	RAMS Prep of 1099s for 2024	400.00
028876	3/5/2025	Shanahan Printing & Graphics	Printing of Newsletter Shells	2,474.64
028877	3/5/2025	Willdan Inc.	Bldg Plan Check/Permit Jan-2025 Project	4,542.50
ACH-788	2/1/2025	Abila	Accounting Software use from 02-01-25 to 02-28-25	377.63
ACH-789	1/31/2025	Bennett Landscape	Gopher Control - January 2025	75.00
ACH-790	1/31/2025	Bennett Landscape	Additional Gopher Control - January 2025	75.00
ACH-791	3/5/2025	VOID	VOID	
ACH-792	2/28/2025	Bennett Landscape	Gopher Control - February 2025	150.00
ACH-793	2/18/2025	CalPERS	CalPERS Retirement Payroll Ending 02-18-25	3,090.62
ACH-794	3/1/2025	Delta Dental	Dental Coverage for March 2025	873.47
ACH-795	3/1/2025	Forum Info-Tech. Inc./Levelcloud	March 2025 Cloud Hosting	6,087.39
ACH-796	3/1/2025	Nextiva	Business Phone Service for March 2025	291.28
ACH-797	2/28/2025	Pacific Premier Bank / FNBO	Pac Prem Cred Crd Stmt February 2025 Acct #0306	440.40

ACH-798	2/28/2025	Pacific Premier Bank / FNBO	Pac Prem Cred Card Stmt February 2025 Acct#1746	1,457.66
ACH-799	3/1/2025	Standard Insurance Company	March 2025 Life Insurance Policy #161783 Div 0001	205.79
ACH-800	2/18/2025	Vantagepoint Transfer Agents -	Deferred Comp Contributions PR Ending 02-18-25	1,085.58
ACH-801	3/1/2025	Vision Service Plan - (CA)	Vision Coverage for March 2025	132.19
ACH-802	3/5/2025	Bennett Landscape	Landscape Services for March 2025	1,020.00
PR LINK	2/21/2025	PR LINK - Payroll & PR Taxes PR4	Payroll Processing Fee PR#4_02/05/25 - 02/18/25	88.66
PR LINK	2/21/2025	PR LINK - Payroll & PR Taxes PR4	Pay Period PR#4_02/05/25 - 02/18/25	18,528.07
				80,843.43

I, Karina Banales, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of
\$ 80,843.43 for the payment of above items.


Karina Banales, City Manager



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.E
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: REPUBLIC SERVICES RECYCLING TONNAGE AND COMPLAINT REPORTS FOR JANUARY 2025

DATE: March 10, 2025

BACKGROUND:

As requested, Republic Services has provided the following clarifications to their reports:

- Non-franchise means any business not covered under the City's Franchise Agreement with Republic Services – for instance, temporary bins or roll offs for construction or cleanups or permanent dumpsters for horse properties.
- The Commercial Recycling is hauled to various transfer facilities. Those facilities separate and recover(recycle) a portion of that material. They provide Republic recovery rates each month that is in turn used for the cities Republic serves.
- The Greenwaste on the Non-Franchise report can show up and change for various reasons from month to month. Aspects like changes to the customers service type, load contamination and data entry errors can contribute to this.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[VC_REP_250220_Jan_C&D Report.pdf](#)
[VC_REP_250220_Jan_RedTags.pdf](#)
[VC_REP_250220_Jan_TonnageReport.pdf](#)
[VC_REP_250220_Jan_CallLog_Redacted.pdf](#)
[VC_REP_250306_JanuaryComplaintList_Redacted.pdf](#)



Republic Services
C&D Report

City of Rolling Hills
Reporting Period January-25

Disposal Site	Material	Loads Taken	Tons Collected
CWS	C&D	2	10.85

Summary	
Row Labels	Sum of Tons Collected
C&D	10.85
Grand Total	10.85



Sustainability in Action

Rolling Hills Red Tags – January 2025

Date	Address	Code	Issue	COMM
1/2/2025	21 PORTUGESE BEND RD	7	CONTAMINATED (REC)	NO
1/16/2025	67 SADDLEBACK RD	2	CONTAINER PLACEMENT	NO



CITY OF ROLLING HILLS RESIDENTIAL FRANCHISE 2025

Year 2025

Diversion RequiY

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
1	Greenwaste	128.08	128.08	-	100.00%
	Greenwaste - Free Residential Roll Off Bin	1.63	1.63	-	100.00%
	Trash	189.31	-	189.31	0.00%
	Trash - Free Residential Roll Off Bin	10.51	-	10.51	0.00%
1 Total		329.53	129.71	199.82	39.36%
Grand Total		329.53	129.71	199.82	39.36%

CITY OF ROLLING HILLS NON-FRANCHISE 2025

Year 2025
Diversion Requirement

Month	Commodity	Tons Collected	Tons Recovered	Tons Disposed	Diversion %
1	C&D	10.85	8.71	2.14	80.24%
	Greenwaste	14.33	14.33	-	100.00%
	Recycle	0.20	0.08	0.12	41.79%
	Trash	56.68	-	56.68	0.00%
1 Total		82.06	23.12	58.94	28.17%
Grand Total		82.06	23.12	58.94	28.17%



Republic Services Call Log Report

City: Rolling Hills

Year: 2025

Month/Quarter: 1

Summary of Calls by Type		
Final Call		
Final Call Type	Sub-Type	Total
3.Missed Pick Up	Missed Bulk Service	1
	Missed Recycle - Residential	1
	Missed Trash - Residential	3
3.Missed Pick Up Total		5
Grand Total		5

Republic Services Call Log Report

Final Call Type	Sub-Type	Case Number	Date/Time Opened	Date/Time Closed	Created By	Request Description	Resolution Comments	Customer Category	Account Number	Site	Account Name	Site Address	Phone
3.Missed Pick Up	Missed Bulk Service	20250129-209216805	45686.49167	45688.984	Hector Del Rasso	(blank)	(blank)	RESI	9020003040	1	ADRIANA AWAD	7 OPENBRAND RD ROLLING HILLS CA	[REDACTED]
3.Missed Pick Up	Missed Recycle - Residential	20250124-208981083	45681.63958	45685.9806	Guadalupe Hansser Nolasco	(blank)	(blank)	RESI	9020003518	1	CURRENT RESIDENT	10 CREST RD W ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Trash - Residential	20250120-208619832	45677.39097	45679.9799	Tiffany Chambers	(blank)	(blank)	RESI	9020002986	1	ROSAN JOHNSON	7 MIDDLEBRIDGE LN N ROLLING HILLS CA	[REDACTED]
3.Missed Pick Up	Missed Trash - Residential	20250121-208725378	45678.54028	45681.9813	Alyssa Hunt	(blank)	(blank)	RESI	9020003273	1	CURRENT RESIDENT	2 CHUCKWAGON RD ROLLING HILLS CA	(000) 000-0000
3.Missed Pick Up	Missed Trash - Residential	20250128-209164690	45685.66736	45688.984	Fernando Ibarra Duran	(blank)	(blank)	RESI	9020003476	1	CURRENT RESIDENT	5 CREST RD E ROLLING HILLS CA	[REDACTED]

City of Rolling Hills- Republic Services Complaint List January 2025

Date of Issue	Time	Issue/Complaint	Resident Name	Resident Address	Republic contacted	Republic Reponse	Date Reponse	Time of Reponse	Resolved
1/13/2025	8:52AM	Missed Green Waste for over a Week		32 Eastfield Dr.	Tanasha Malone	Tanasha Malone	1/13/2025	9:29AM	yes
1/13/2025	4:16PM	Missed Trash Pickup		49 Saddleback Rd.	Tanasha Malone	Tanasha Malone	1/13/2024	6:49PM	yes
1/14/2025	9:25AM	Missed Trash and Green Waste for over a week		9 Reata Lane	Tanasha Malone	Tanasha Malone	1/14/2025	10:26AM	yes
1/14/2025	4:02PM	Missed Green Waste		24 Portuguese Bend Rd.	Tanasha Malone	Tanasha Malone	1/14/2025	6:48PM	yes
1/17/2025	11:15AM	Missed Trash Pickup		7 Crest Rd E.	Tanasha Malone	Tanasha Malone	1/17/2025	12:26PM	yes
1/17/2025	3:14PM	Missed Trash Pickup		4 Buckboard Lane	Tanasha Malone	Tanasha Malone	1/17/2025	3:16PM	yes
1/24/2025	10:49AM	Missed Trash and Green Waste for Over a week		49 Eastfield Dr.	Tansha Malone	Tanasha Malone	1/24/2025	5:30PM	yes
1/24/2025	1:45PM	Missed Trash Pickup		7 Crest Rd. E	Tanasha Malone	Tanasha Malone	1/24/2025	5:30PM	yes
1/24/2025	1:45PM	Missed Trash Pickup		15 Wideloop	Tanasha Malone	Tanasha Malone	1/24/2025	5:30PM	yes
1/24/2025	4:12PM	Missed Green Waste Pickup		31 Eastfield Dr.	Tansha Malone	Tanasha Malone	1/24/2025	5:30PM	yes
1/24/2025	4:58PM	Missed Trash Pickup		6 Eastfield Dr.	Tanasha Malone	Tanasha Malone	1/24/2025	5:30PM	yes
1/27/2025	8:40AM	Missed Trash Pickup		6 Eastfield Dr.	Tanasha Malone	Tanasha Malone	1/27/2025	9:40AM	yes
1/27/2025	12:34PM	Missed Trash and Green Waste		33 Crest Rd. E.	Tanasha Malone	Tanasha Malone	1/28/2025	7:02AM	Yes
1/28/2025	11:46AM	Missed Trash Pickup		14 Southfield Dr.	Tanasha Malone	Tanasha Malone	1/28/2025	12:03PM	Yes
1/28/2025	3:49PM	Missed Trash in Over Two Weeks		5 Crest Rd.E	Tansha Malone	Tanasha Malone	1/28/2025	4:36PM	Yes
1/28/2025	4:55PM	Missed Trash for Over Two Weeks		8 Maverick Lane	Tanasha Malone	Tanasha Malone	1/29/2025	11:48AM	Yes



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 8.F
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: ADOPT RESOLUTION 1385 AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

DATE: March 10, 2025

BACKGROUND:

In the past two years, staff has undertaken Phase 1 of a digitization effort of all historical records to be stored in the City Laserfiche repository. Phase 2 is not yet completed but the preparation of files has begun.

Government Code Section 34090 provides for the destruction of certain city records by resolution and the written consent of the City Attorney. It states, "The head of a city department may destroy city record, document, instrument, book or paper, under his or her charge, without making a copy thereof, after the same is no longer required." This section does not authorize the destruction of:

- a.) Records affecting the title to real property or liens thereon.
- b.) Court records
- c.) Records required to be kept by statute.
- d.) Records less than two years old.
- e.) Minutes, ordinances, or resolutions of the legislative body of a city board or commission.

DISCUSSION:

Staff and the City Attorney have reviewed the records listed on Exhibit A of the attached Resolution No. 1385 (which will be blue-folded as supplemental items on Monday, March 10, 2025 ahead of the City Council meeting) and have determined that they are not among the above exceptions. Further, staff has reviewed the listed records to assure that they do not have any historical or research value to the City that may require retaining a hard copy as all documents have been scanned for permanent retention within the Laserfiche repository. Therefore, staff has determined that they are eligible for destruction.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve as presented.

ATTACHMENTS:

[ResolutionNo1385_ApprovingDestructionOfRecords_F.pdf](#)
[CL_RRM_250310_FormRM2_DestroyPaperAfterImaging.pdf](#)

RESOLUTION NO. 1385

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

WHEREAS, the keeping of numerous records after a certain length of time is not necessary for the effective and efficient operation of the government of the City of Rolling Hills; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any City record which has served its purpose and is no longer required may be destroyed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES RESOLVE AS FOLLOWS:

Section 1. The records of the City of Rolling Hills as set forth in the attached Destruction of Records Schedule attached hereto as Exhibit "A" are hereby authorized to be destroyed as provided by Section 34090 of the Government Code.

Section 2. The provisions of Section 1 above do not authorize the destruction of:

- a) Records affecting the title to real property or liens thereon.
- b) Court records.
- c) Records required to be kept by statute.
- d) Records less than two years old.
- e) Minutes, ordinances, or resolutions of the legislative body or a city board or commission.

Section 3. The written consent of the City Attorney has been obtained for this destruction.

PASSED, APPROVED AND ADOPTED this 10th day of March, 2025.

JEFF PIEPER
MAYOR

ATTEST:

CHRISTIAN HORVATH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 1385 entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ROLLING HILLS AUTHORIZING THE DESTRUCTION OF
CERTAIN CITY RECORDS AS PROVIDED BY SECTION
34090 OF THE GOVERNMENT CODE OF THE STATE OF
CALIFORNIA.**

was approved and adopted at a regular meeting of the City Council on March 10, 2025
by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHRISTIAN HORVATH
CITY CLERK

CONSENT TO DESTRUCTION OF RECORDS

The undersigned, City Attorney for the City of Rolling Hills hereby consents
to the destruction of the records of the City of Rolling Hills as set forth in the attached
Destruction of Records Schedule attached hereto as Exhibit "A" as provided by Section
34090 of the Government Code.

Dated _____

PATRICK DONEGAN
CITY ATTORNEY

Date: 3/10/24

Department: Administration/Planning/Clerk/Finance

**Form RM-2: AUTHORIZATION TO DESTROY PAPER AFTER IMAGING /
TRUSTWORTHY ELECTRONIC RECORDS COMPLIANCE**
(the paper media version of a record is destroyed, to rely on the image as the "Official Record")

Records Series Description	Start Date	End Date	Box #s	Where Official Electronic Records are Stored
3100 - Traffic				VRC Companies, LLC
3200 - Transportation				VRC Companies, LLC
3200 - Transportation				VRC Companies, LLC
3300 - Utilities				VRC Companies, LLC
3300 - Utilities				VRC Companies, LLC
3300 - Utilities + 3000 Taxes + 2200 Organizations				VRC Companies, LLC
2950 - State of California				VRC Companies, LLC
2950 - State of California				VRC Companies, LLC
3100 - Traffic				VRC Companies, LLC
3100 - Traffic				VRC Companies, LLC
3100 - Traffic				VRC Companies, LLC
150 - Emergency Preparedness				VRC Companies, LLC
2300 - Peninsula Cities + 1100 Regional Law/PPSC				VRC Companies, LLC
3100 - Traffic				VRC Companies, LLC
3100 - Traffic Driveway Consideration Signs/Controls				VRC Companies, LLC
3100 - Traffic Driveway Consideration Signs/Controls				VRC Companies, LLC
3100 - Traffic Driveway Consideration Signs/Controls				VRC Companies, LLC
100 - Animal Control				VRC Companies, LLC
100 - Animal Control				VRC Companies, LLC
2500 - Planning				VRC Companies, LLC
2500 - Planning				VRC Companies, LLC
2500 - Planning				VRC Companies, LLC
2500 - Planning				VRC Companies, LLC
1400 - Finance				VRC Companies, LLC
1600 - Homeowner's Assoc.				VRC Companies, LLC
2800 - Refuse				VRC Companies, LLC
2900 - School District				VRC Companies, LLC
2600 - Public Works				VRC Companies, LLC
2700 - Publications/Flyers				VRC Companies, LLC
2800 - Refuse				VRC Companies, LLC
1700 - Improvement Districts				VRC Companies, LLC
1800 - Insurance				VRC Companies, LLC
1900 - Library District				VRC Companies, LLC
2000 - Municode				VRC Companies, LLC

Records Series Description	Start Date	End Date	Box #s	Where Official Electronic Records are Stored
2100 - Newsletter				VRC Companies, LLC
2000 - Municode				VRC Companies, LLC
2100 - Newsletter				VRC Companies, LLC
400 - City Attorney				VRC Companies, LLC
200 - Quality Management District				VRC Companies, LLC
400 - City Attorney				VRC Companies, LLC
100 - Animal Control				VRC Companies, LLC
150 - Disaster Preparedness				VRC Companies, LLC
900 - Commendations & Proclamations				VRC Companies, LLC
150 - Disaster Preparedness				VRC Companies, LLC
800 - City Property				VRC Companies, LLC
800 - City Property				VRC Companies, LLC
600 - City Council Agendas				VRC Companies, LLC
800 - City Property				VRC Companies, LLC
500 - City Clerk				VRC Companies, LLC
600 - City Council				VRC Companies, LLC
600 - City Council				VRC Companies, LLC
1350 - (3400) NESC/Wildlife				VRC Companies, LLC
1350 - (3400) NESC/Wildlife				VRC Companies, LLC
2200 - Organizations				VRC Companies, LLC
2200 - Organizations				VRC Companies, LLC
1300 - Federal Government				VRC Companies, LLC
1100 - County of Los Angeles - Sheriff				VRC Companies, LLC
1100 - County of Los Angeles - Misc Depts				VRC Companies, LLC
1100 - County of Los Angeles - Misc Depts				VRC Companies, LLC
Expired Litigation Agreements				VRC Companies, LLC
Expired Litigation Agreements				VRC Companies, LLC
Expired Litigation Agreements				VRC Companies, LLC
Expired Litigation Agreements				VRC Companies, LLC
Expired Litigation Agreements				VRC Companies, LLC
Flood control, County Assessor, Engineer, Planning Commission, Annual Control Study				VRC Companies, LLC
150 - Disaster Preparedness				VRC Companies, LLC
City Council Agendas				VRC Companies, LLC
150 - Disaster Preparedness				VRC Companies, LLC
1700 - Improvement Districts				VRC Companies, LLC
1700 - Improvement District				VRC Companies, LLC
3100 - Traffic				VRC Companies, LLC
150 - Emergency Preparedness				VRC Companies, LLC

Records Series Description	Start Date	End Date	Box #s	Where Official Electronic Records are Stored
800 - City Properties				VRC Companies, LLC
1700 - Improvement Districts				VRC Companies, LLC
Flying Triangle				VRC Companies, LLC
800 - City Property				VRC Companies, LLC
2600 - Public Works - Main Gate Renovation				VRC Companies, LLC
2600 - Public Works - Main Gate Renovation				VRC Companies, LLC
Poppy Trail Landslide 2005				VRC Companies, LLC
400 - City Attorney Expired - Cal Compact				VRC Companies, LLC
400 - City Attorney Expired Litigation				VRC Companies, LLC
400 - City Attorney Expired Litigation				VRC Companies, LLC
1100 - Regional Law/PPSC				VRC Companies, LLC
50 - Agreements				VRC Companies, LLC
1200 - Election / 1250 - FPPC for various years				VRC Companies, LLC
Historical - Office Equipment				VRC Companies, LLC
Historical Records - Misc				VRC Companies, LLC
Historical Records - News Articles				VRC Companies, LLC
NESC - Natural Environment & Sustainability Committee				VRC Companies, LLC
600 - City Council Agendas - 1984-85				VRC Companies, LLC
Poppy Trail Land Movement				VRC Companies, LLC
600 - City Council Agenda Packets 2003				VRC Companies, LLC
3100 - Traffic Commission Agenda Packets 2003				VRC Companies, LLC
Historical Records - News Articles 1993-94				VRC Companies, LLC
3100 - Traffic Commission Agenda Packets 1995				VRC Companies, LLC
WPC Agenda Packets 1995				VRC Companies, LLC
Eastfield Drive Traffic Study 1976				VRC Companies, LLC
600 - City Council Agenda Packets 2016				VRC Companies, LLC
600 - CC/PC Joint Agenda 2016				VRC Companies, LLC
1100 - PPSC/RCL 2016				VRC Companies, LLC
3100 - Traffic Commission Agenda Packets				VRC Companies, LLC
600 - City Council Agenda Packets 2016				VRC Companies, LLC
50 - Agreements				VRC Companies, LLC
Planning Commission Agenda Packets 2015				VRC Companies, LLC
Planning Commission Agenda Packets 2014				VRC Companies, LLC

Records Series Description	Start Date	End Date	Box #s	Where Official Electronic Records are Stored
600 - City Council Correspondence 2016				VRC Companies, LLC
Planning Commission Agenda Packets 2016				VRC Companies, LLC
Planning Commission Minutes 2016				VRC Companies, LLC
Historical Records - Misc 2017				VRC Companies, LLC
Planning Commission Agenda Packets 2017-18				VRC Companies, LLC
50 - Agreements South Bay Cities of Governments Palos Verdes Pen. land Conserv. Jimenez Consulting LLC.				City of Rolling Hills
100 - Animal Control				City of Rolling Hills
2400 - Personnel				City of Rolling Hills
2400 - Personnel				City of Rolling Hills
2200 - Organizations				City of Rolling Hills
1200 - Elections				City of Rolling Hills
1100 - County of Los Angeles - Misc Depts				City of Rolling Hills
1100 - County of Los Angeles - Misc Depts				City of Rolling Hills
Expired Litigation Agreements				City of Rolling Hills
Expired Litigation Agreements				City of Rolling Hills
Expired Litigation Agreements				City of Rolling Hills
Expired Litigation Agreements				City of Rolling Hills
Expired Litigation Agreements				City of Rolling Hills
Flood control, County Assessor, Engineer, Planning Commission, Annual Control Study				City of Rolling Hills
150 - Disaster Preparedness				City of Rolling Hills
Historical Records - Flying Triangle				City of Rolling Hills
50 - Agreements				City of Rolling Hills
1200 - Election / 1250 - FPPC for various years				City of Rolling Hills
Historical - Office Equipment				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - News Articles				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills
Historical Records - Misc				City of Rolling Hills

Date: 3/10/24

Department: Administration/Planning/Clerk/Finance

Records Series Description	Start Date	End Date	Box #s	Where Official Electronic Records are Stored
Historical Records - Misc				City of Rolling Hills
50 - Agreements				City of Rolling Hills
Planning Commission Agenda Packets 2015				City of Rolling Hills

Optional Ongoing Authorization, After Review and Approval of Written Policies and Procedures:

☐ The above Records Series are approved for destruction on an on-going (day-forward) basis, provided they comply with written policies and procedures approved by the City Clerk.

City Clerk

Date

Check one option for destruction:

- ☐ Shredding is Required (Records contain private information) OR
☐ Recycle (Records do NOT contain private information)

I certify that the records listed above have been imaged in compliance with applicable state laws:

☒ Images have been quality checked, and contain all significant details from the original and are an adequate substitute for the original document for all purposes for which the document was created or maintained.

☒ Indexing has been verified / quality checked.

☒ Images have been placed on unalterable optical media that cannot be altered or changed (DVD-r, Blue-Ray-R, CD-R, or WORM – Write Once, Read Many unalterable media)

☒ The unalterable optical media has been stored in a safe and separate location.

Employee

Department / Division

Date

PAPER VERSION OF THE ABOVE RECORDS ARE APPROVED FOR DESTRUCTION (the imaged version becomes the original, and will be retained for the applicable retention period):

City Clerk

Date

Return this form to the originating department following approval.

(Complete after destruction has been performed, if done by Employees. If destruction is performed by a commercial vendor, have them provide you with a certificate.)

I HEREBY CERTIFY that the items listed above have been destroyed in accordance with policies and procedures:

Employee

Department / Division

Date

Return this form to the City Clerk department after completed



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 15.A
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: SAMANTHA CREW, MANAGEMENT ANALYST

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: RECEIVE AND FILE A PUBLIC SAFETY AND EMERGENCY PREPAREDNESS UPDATE

DATE: March 10, 2025

BACKGROUND:

Public safety remains a top priority for Rolling Hills. The City is actively enhancing disaster preparedness, managing the Emergency Operations Center, and coordinating with first responders. In response to unexpected utility shutoffs in 2024, the City has been working to support affected residents. Since September, Staff has provided the City Council with monthly status updates on developments and emerging issues. Over the past six months, the City Council filed complaints with the CPUC against SoCal Gas and SCE while staff engaged in meetings with utility providers, emergency services coordinators, and local partners. By October, 12 properties were deemed eligible for re-energization, and in January 2025, discussions with SCE continued to identify solutions for all affected properties.

This evening, staff will provide an update on events subsequent to the last public safety report from early February (Attachment A).

DISCUSSION:

The following details the City's ongoing efforts in disaster response and readiness. Through a comprehensive Public Safety and Emergency Preparedness Report, the City can strategically allocate resources, identify areas for improvement and strengthen the community's resilience to local hazards. The City benefits from close collaboration with the other Palos Verdes Peninsula cities on public safety initiatives and works alongside first responders to ensure all partners remain actively engaged. This monthly report provides timely updates and looks ahead to future goals.

Re-Energization

Early February, City staff and Councilmember Leah Mirsch, met with SoCal Gas to discuss ongoing assessments and restoration efforts. The utility company reported that their team had collected pipe samples and was nearing completion of their stress/strain model, highlighting the durability and elasticity of the pipes installed in those areas.

More recently SoCal Gas shared they had installed 26 survey points in the City to enhance monitoring and data collection. These installations have supplemented their ongoing efforts to measure potential movement in the areas where they have pipeline infrastructure. The utility company is also developing a "pipe response model," to assess stress and strain on their underground and above ground pipes, based on historical and potential future land movement. SoCal Gas expects to finalize their design and implementation plan by the second quarter of 2025.

At that time, if land movement rates remain minimal and conditions permit, they anticipate beginning the necessary work to restore service safely. Based on the collected pipe sampling data, they are considering adding more above-ground pipes and swing joints in the Flying Triangle area, as well as potentially along Cinchring Road and Quailridge Road South.

Furthermore, SoCal Gas are focused on safety strategies that include installing excess flow valves at strategic locations on the main line to sense when there is a line break and automatically shut off the flow of gas. Also, pressure monitoring devices will be installed that can sense line breaks and alert the main control center to respond. Manual valves will also be installed and available so that SoCal Gas crew members can adjust as needed.

Staff are working with SoCal Gas to schedule a community event for residents to learn about the restoration of their gas services.

SCE

As restoration of electrical power progresses, Southern California Edison (SCE), in partnership with Los Angeles County Building and Safety, Willdan, and the Los Angeles County Fire Department, continue to inspect properties to ensure safety and compliance. To expedite the process, City staff and these agencies hold weekly coordination meetings, fostering effective communication and steady progress.

On Wednesday, March 5, Staff coordinated with SCE, LA County Public Works, Willdan, and solar companies to assist residents in restoring power to additional properties. As of this report, power has been restored to 32 properties, while six have opted out, leaving 13 of the 51 properties still awaiting restoration.

Rotary Club Relief Fund

The Rotary Club of Palos Verdes Peninsula has reported an increase in the relief fund from \$160,000 to just under \$175,000, which will be distributed among residents of Rolling Hills and Rancho Palos Verdes. The deadline for Rotary applications was extended from the original date of February 21 to March 2. Homeowners affected by utility shut-offs on Cinchring, Spur Lane, Quailridge Road South, or in the Flying Triangle neighborhood are eligible to apply. Twenty-two (22) applications were received from Rolling Hills residents and have been submitted to the Rotary Club by the City.

Siren Update:

On Tuesday, March 4, from 8:30 AM to 11:30 AM, HQE conducted the first full-system test at the optimal hertz level determined during the late November tests. Sound levels were measured from nine locations, with Block Captains also monitoring areas previously identified as challenging due to the City's topography. Residents were notified in advance through Dwelling Live and the City's alert system, Alert SouthBay. The notification included a downloadable FAQ document to provide more information about the siren system and its capabilities. Following the test, HQE distributed a post-test survey to residents to gather feedback on the system's performance.

Staff will return at the March 24 City Council meeting with additional information.

Assemblymember Muratsuchi's PVP Wildfire Town Hall: Lessons from the LA Wildfires

The event, set for April 26 at Hesse Park in Rancho Palos Verdes, will highlight key topics including the January wildfires, the effects of climate change, strategies for home hardening and prevention, and local emergency preparedness. Recently, City Managers and staff met to plan the upcoming wildfire town hall, discussing the event date, presentations, and each city's responsibilities. Further details will be provided as planning progresses. Experts from the California Department of Forestry and Fire Protection, NASA Jet Propulsion Laboratory and the Los Angeles County Sheriff's Department will share valuable insights and safety strategies. Additionally, Rolling Hills will have a booth set up at the event.

Home Hardening Videos

In partnership with the Los Angeles County Fire Department, the Block Captain Program produced two sets of five comprehensive educational videos on effective home hardening against wildfires and fire fuel management in canyons. On March 6, the Block Captains hosted a Home Hardening Video Event, bringing the community together to watch the video in a shared setting and promote wildfire preparedness. Given the recent wildfires, this was a valuable opportunity to educate and support our community in strengthening their own preparedness efforts while exploring effective strategies for home hardening against fire.

The City remains committed to disaster preparedness, public safety, and community resilience. Through collaboration with regional partners, utility companies, and first responders, significant progress has been made in power restoration, emergency response planning, and wildfire preparedness. Ongoing efforts, including utility restoration, siren testing, and public safety initiatives, demonstrate the City's proactive approach. Future events, such as the wildfire town hall and continued community outreach, will further strengthen preparedness efforts. The City will continue to provide timely updates and work closely with residents to ensure safety and readiness for any challenges ahead.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:

[CL_AGN_CC_250210_Item15A_PublicSafetyReport.pdf](#)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 15.A
Mtg. Date: 02/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: SAMANTHA CREW, MANAGEMENT ANALYST

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: RECEIVE AND FILE A PUBLIC SAFETY AND EMERGENCY PREPAREDNESS UPDATE

DATE: February 10, 2025

BACKGROUND:

Ensuring public safety is a primary consideration for the City. The following highlights recent efforts related to utility shutoffs and ongoing work to better prepare the City and the public for disasters. The City's responsibilities include managing and advancing the Emergency Operations Center (EOC), conducting EOC training, maintaining alert and warning systems, coordinating with first responders and multiple jurisdictions, supporting the Block Captain Program, and promoting fire fuel education. Preserving life and property remains at the core of this critical work.

DISCUSSION:

The following details the City's current efforts in disaster response and readiness. By presenting a comprehensive Public Safety and Emergency Preparedness Report, the City can effectively allocate resources, identify areas for improvement and enhance the community's overall resilience to local hazards. The City has the benefit of collaborating on public safety issues with other Palos Verdes Peninsula cities and works hand-in-hand with the first responders to ensure all partners are actively engaged. This monthly report disseminates timely updates and looks ahead to future goals.

Utility Shutoffs

Over the course of five months, specific areas of Rolling Hills have continued to experience natural gas and power shutoffs due to land movement concerns raised by utility companies. As of October 2024, the City was informed that 12 properties might have power restored, pending permits and inspections. In January 2025, Southern California Edison (SCE) met with City staff and Councilmember Mirsch to discuss solutions identified by the utility company to re-energize all affected properties in Rolling Hills. SCE requires properties to pass electrical

inspections conducted by its own inspectors, as well as structural inspections performed by Los Angeles County Building and Safety (LACBS) or Willdan, as conditions for re-energization. The City has been cooperating with SCE by providing the necessary permitting information. To support impacted residents, the City has waived permit fees and expedited the permitting process to ensure power can be restored as quickly as possible for those who wish to proceed. The City will continue to work with the utility companies to restore gas and power to affected residents.

Re-energization

The City continues to host coordination meetings with its utility partners. Objectives for these meetings include receiving detailed updates and keeping the utility companies on task to find solutions to the power shutoffs. Recently, with the promise of power restoration from SCE, staff frequently meet with LACBS and Willdan to verify inspections are underway, and residents are receiving expedited services.

Community Dinners

On January 30, the City hosted a community dinner for residents impacted by the utility shut-offs. The meal was provided by Bettolino Kitchen in Torrance. The Women's Community Club of Rolling Hills prepared desserts, and the Rolling Hills Community Association generously offered water and coffee. The Block Captains assisted with setup, serving, and cleanup. The City appreciates the generosity of everyone who assisted in this event.

Recent Fire Events

On January 7, 2025, a fire broke out in the Pacific Palisades. The fire quickly expanded, and evacuations became necessary due to the rapid wind-driven event. Later that day, the Eaton fire broke out, and then the Hurst fire. These fires were among the most destructive fires in California history, according to Cal Fire. While there were other LA County fires during this time period, the currently available January 2025 windstorm and wildfires incident summaries are as follows:

Palisades Fire

Acreage burned – 23,448
Destroyed Structures - 6,837
Fatalities - 12

Eaton Fire

Acreage burned – 14,021
Destroyed Structures – 9,418
Fatalities - 17

Hughes Fire

Acreage burned – 10,425

Given that Rolling Hills is located in a Very High Fire Hazard Severity Zone (VHFHSZ), designated by the California Department of Forestry and Fire Protection, the City has been on high alert following the devastating fires in the northern part of the county. City staff, Public Safety partners and the other peninsula cities are in constant contact and addressing concerns as they arise.

CITY PROGRAMMING

Quarterly Fire Fuel Meeting

On January 30, 2025, City staff held its quarterly Fire Fuel Meeting. Representatives from the Los Angeles County Fire Department (LACFD), Agricultural Commissioner/Weights and Measures, SCE, Palos Verdes Peninsula Land Conservancy (PVPLC) and the Los Angeles County Forestry Division/Brush Clearance Defensible Space Unit were in attendance. The meeting served as an introductory opportunity for Management Analyst Samantha Crew, who will take the lead for the meetings after the departure of the City's Planning and Community Services Director.

At the January meeting, the PVPLC discussed the results from work that had been completed to expand the clearance area, adjacent to Quailridge Road South, Running Brand Road, and led into the preserve. The contracted work has been beneficial in the reduction of fire fuel, creating fire breaks beyond the required 200 feet from any structures. PVPLC removed dry brush, hazardous trees and shrubs and invasive weeds such as non-native black mustard. The now-expired two-year contract broke the seed bank, and there was a big decrease in the return of the mustard plant. Additional benefits are the appearance of more native flowers like milkweed and other wildflowers which is good for Monarch Butterflies, native and endangered bird species like Gnat Catchers, Cactus Wren and general habitat restoration.

LACFD Battalion Chief Butorovich discussed the Fire Department's strategies for the upcoming 2025 Brush Clearance inspections. It is anticipated that there will be a high volume of re-inspections this season due to the department's commitment to issuing non-compliance notifications if standards are unmet during the initial inspection.

Prohibited Hazardous Plants and Trees

The Rolling Hills Municipal code 8.30.015 states that no person shall plant on any property, place or area within the boundaries of the City any of the following plants and trees: pine; pampas grass; palm; juniper; acacia (shrub); eucalyptus; cedar; cypress; and Italian cypress. Any such new planting of pine, pampas grass, palm, juniper, acacia (shrub), eucalyptus, cedar, cypress, and Italian cypress is hereby declared to be a public nuisance.

Home Hardening

In collaboration with the LACFD, the Block Captain Program has constructed five (5) comprehensive and educational videos on how to properly harden homes against wildfires. In preparation for the dry season, it is more important, now than ever before, to be prepared and informed of how to execute proper fire prevention safety measures. A link to the videos is available at Rolling-Hills.org

Palos Verdes Peninsula Multi-Jurisdictional Hazard Mitigation Plan (MJHMP)

Rolling Hills Estates is lead agency in the collaborative update of the all-hazards MJHMP that consist of six jurisdictions PVE, RPV, RHE, RH and two Geologic Hazard Abatement Districts: Klondike Canyon Geologic Hazard Abatement District and Abalone Cove Landslide Abatement District. An Ad-Hoc Committee consisting of one City Council member from each City will participate throughout the development of the plan. Interviews are currently being scheduled with consultants who can perform all necessary work required for the preparation and adoption of the MJHMP in full conformance with the requirements of the Disaster Mitigation Act of 2000, 44 CFR 201.6 and the most current FEMA Local Mitigation Plan Guidelines.

EMERGENCY PREPAREDNESS

Winterization

Sandbags are a simple and effective way to prevent or reduce flood damage from rain. They can be used to divert water around buildings, protect doors and windows and prevent erosion. Sandbag supplies are available to Rolling Hills residents, free of charge, at the following locations:

- The RHCA parking lot
- Fire Station 56
- Please be prepared to fill the bags and load them yourself.

Alert and Warning

The City of Rolling Hills practices the use of multiple communication systems to ensure critical information reaches residents. Alert SouthBay is a trusted source for emergency information. It is recommended for residents to sign up for alerts by texting RHalert to 888-777 or visiting alertsouthbay.com.

The City's Outdoor Emergency Sirens are operational in the event of an evacuation order. The vendor, HQE, attended the City Council meeting on January 27, 2025 and confirmed their intent to meet contractual obligations. The company has offered, at no cost to the City, extra poles and speakers, if needed, to ensure audibility throughout Rolling Hills. HQE will reconfigure the outdoor siren system in February and add an additional speaker to the Fire Station 56 siren pole. The added speaker will be directed towards the Flying Triangle portion of the City.

Following the work, staff will coordinate a siren test to be performed several days later. Residents will receive notification of the test via Alert SouthBay and Dwelling Live. In efforts to collect sound propagation data, HQE will perform the siren test at 7:30 A.M. when much of the community is at home.

HQE has awarded the City of Rolling Hills a Community SAFE Grant (CSG). The CSG package is the installation of the SAFE Network System, a public safety communications network designed to operate independently of cellular or AC power. The system ensures uninterrupted communication between City leadership and residents when traditional communication methods fail. The SAFE Network System uses advanced radio frequency technology to maintain reliable communication. The open market value of the grant equates to over \$30,000. Included in the grant, HQE is also offering at-cost pricing for up to 2100 Indoor SAFE Units, allowing residents to benefit from the significantly reduced cost. Altogether the total value of the Community SAFE Grant is over \$65,000 in public safety enhancements.

Wireless Emergency Alerts (WEA) are emergency messages, usually 90 characters or less, sent directly to your phone by authorized government alerting authorities through mobile carriers. There are three types of warnings that will trigger a WEA alert. They are Presidential Alerts, Imminent Threat Alerts, and Amber Alerts. It is recommended that residents not opt out of receiving these potentially life-saving messages.

ADDITIONAL INFORMATION

Block Captains

Block Captains meet quarterly in the City Council Chambers. The meetings are streamed live on the City's website: www.rolling-hills.org. Many neighborhoods are without a Block Captain, so consider joining and becoming an important part of the community.

See Something, Say Something

The City continues to remind residents that if they See Something, Say Something. This pertains to utility concerns, fire, and public safety. Residents should call 911 in an emergency.

Reporting Water Leaks to Cal Water

Cal Water has seen an increase in pipe leaks with customer private water lines and other utility lines. Residents should report water leaks to 310-257-1400.

Palos Verdes Peninsula Emergency Readiness

- Alert SouthBay:
Staff continues to promote Alert South Bay and are having residents sign up for Alerts by texting "RHalert" to 888-777 or registering at AlertSouthBay.com
- Know Your Zone:
The *Know Your Zone* maps are utilized by local public safety agencies (Sheriff and Fire departments), as well as the Peninsula cities, to prepare residents in the event of an evacuation. In urgent situations, when an evacuation need arises, residents and visitors are provided with timely, critical information for impacted zones. Knowing your zone is very important to the evacuation process. If there is a wildfire or emergency, navigating the *Know Your Zone* map can help determine residents next steps in emergency incidents affecting where they live, work, and play. More information is available at: PVPPReady.gov.
- Planning for Evacuation:
Residents are asked to consider the items in their homes and determine which of them are important. If residents had twenty minutes to evacuate, what would they grab first? Residents should consider their vehicle size and write a list of belongings that would take priority. If an emergency were to occur being prepared could save time when time is critical. Video contents of one's home in detail for insurance purposes, before it is time to evacuate.
- Equine Preparedness: If evacuation warnings are issued, it is important for horse owners to exit the City early. Practice loading horses before an emergency and ensure that emergency contact information is on each halter.

FISCAL IMPACT:

None.

RECOMMENDATION:

Receive and file.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 15.B
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: KARINA BAÑALES, CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: DISCUSSION ON EXISTING NUISANCE ORDINANCE AND POTENTIAL UPDATES

DATE: March 10, 2025

BACKGROUND:

In 1981, the City of Rolling Hills enacted Ordinance No. 190, establishing Chapter 8.24 - Abatement of Nuisances in its municipal code (Attachment A). This chapter outlines procedures for identifying, notifying, and addressing public nuisances to uphold community standards and safety. Over the years, the City has actively enforced its nuisance abatement code. Since its adoption, the City has not reviewed or updated its municipal code.

This evening, staff will present information on the existing code, evaluating its relevance compared to those of other agencies, and determining if updates are warranted. Based on tonight's discussion, staff will prepare additional materials for the City Council's review and consideration which may include working with the City Attorney's Office to enhance compliance measures, clarify authorization, and refine procedural guidelines.

DISCUSSION:

At the August 12, 2024 City Council meeting, staff sought Council approval to abate a code enforcement issue that began in February 2024 and was resolved in September 2024. During the discussion, the Council directed staff to review the City's Municipal Code to determine whether amendments or a comprehensive overhaul were needed to improve enforcement procedures.

The City of Rolling Hills ordinance establishes procedures for identifying, notifying, and abating nuisances. The process begins when the City receives a complaint and works with the property owner to address the issue. Code Enforcement focuses on informing and educating property owners, followed by issuing a first notice of violation and, if necessary, a second and final notice. Throughout the process, staff conducts site visits and engages in ongoing

communication to ensure compliance.

The City Council also receives quarterly updates on active code enforcement cases and their status.

This structured approach aims to balance enforcement with education; however, the recent review highlights potential areas for improvement in expediting the resolution of violations.

Peninsula Cities Municipal Code on Nuisance Abatement

Staff have reviewed the City of Rolling Hills' current Municipal Code in comparison to the nuisance abatement regulations of neighboring cities, including Rolling Hills Estates, Rancho Palos Verdes, and Palos Verdes Estates. Additionally, the City Attorney's Office has provided examples from other municipalities, such as Lake Forest, Aliso Viejo, and Laguna Beach, which utilize different approaches to nuisance abatement (Attachments C-H).

While all seven agencies share a common goal of maintaining public health and safety, staff have highlighted a few differences in their nuisance abatement procedures (Attachment B). Notable distinctions include:

Code Enforcement Staffing

The level of code enforcement resources varies among the agencies surveyed. The City of Rolling Hills has one part-time code enforcement officer working 12 hours per week, whereas the other agencies employ one or more full-time officers dedicated to enforcement.

Administrative Citations – Fee Schedule

The Cities of Rolling Hills Estates, Rancho Palos Verdes, and Aliso Viejo impose administrative citations for violations, with fines ranging from \$100 to \$2,500, depending on the severity of the infraction or nuisance.

Public Hearing Requirements

The City of Rolling Hills requires a public hearing before the City Council for any nuisance abatement action. In contrast, some cities, such as Laguna Beach, allow for immediate abatement without hearing if there is an urgent threat to public health and safety. Others, like Lake Forest, delegate the hearing process to a designated hearing officer or the City Manager rather than the City Council.

Types of Nuisances

Adding language to the Municipal Code specifying that nuisance abatement is not an exclusive remedy but can be used in conjunction with other penalties—such as administrative citations—could strengthen enforcement. Aliso Viejo's code includes such language, allowing for multiple enforcement mechanisms to be applied as necessary.

Timelines for Abatement

Timelines for nuisance abatement vary across cities, with some adopting more streamlined processes than others. In Rolling Hills Estates, the requirement to issue multiple violation notices before proceeding with abatement can lead to delays in resolving issues. Cities like Laguna Beach and Lake Forest, on the other hand, streamline their processes, potentially reducing the number of notices issued by allowing emergency abatement or bypassing hearings in urgent cases.

CONCLUSION

The City of Rolling Hills Municipal Code continues to function effectively. However, while it has been in place since 1981, it could benefit from updates to modernize its language, clarify definitions, and establish more precise timelines.

Staff are seeking direction from the City Council on the following options:

1. Collaborate with the City Attorney's Office to enhance compliance measures, clarify authorization, and refine procedural guidelines.
2. Maintain the current process without changes
3. Provide alternative direction to staff.

FISCAL IMPACT:

Unknown at this time.

RECOMMENDATION:

Receive and file. Provide direction to staff.

ATTACHMENTS:

[Attachment A - CL_AGN_250310_RH_CodeOfOrdinances.pdf](#)

[Attachment B - CL_AGN_250310_NuisanceAbatement_AgencySurvey.pdf](#)

[Attachment C - CL_AGN_250310_RHE_CodeOfOrdinances.pdf](#)

[Attachment D - CL_AGN_250310_RPV_CodeOfOrdinances.pdf](#)

[Attachment E - CL_AGN_250310_PVE_MunicodeChapter_8.48_Nuisances_General.pdf](#)

[Attachment F - CL_AGN_250310_LakeForest_CodeOfOrdinances.pdf](#)

[Attachment G -](#)

[CL_AGN_250310_AlisoViejo_MunicodeChapter_1.06_Violations&Penalties.pdf](#)

[Attachment H - CL_AGN_250310_LagunaBeach_NuisanceAbatement.pdf](#)

Chapter 8.24 - ABATEMENT OF NUISANCES

Sections:

8.24.010 - Nuisance defined.

For the purposes of this chapter, a "nuisance" shall be defined as anything which is injurious to health or safety, or is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real 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 street, and 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.

Notwithstanding any provisions of this chapter, the City Council may define by ordinance any particular condition constituting a nuisance.

(Ord. 190 § 1(part), 1981).

8.24.020 - Duty of owner or possessor of property.

Every person who owns or is in possession of any property, place or area within the boundaries of the City shall, at his or her own expense, maintain the property, place or area free from any nuisance.

(Ord. 190 § 1(part), 1981).

8.24.030 - Notice to abate nuisance.

Whenever the City Manager determines that a nuisance exists upon any property, place or area within the boundaries of the City, the City Manager may notify in writing the owner or person in possession of the property, place or area to abate the nuisance within fifteen days from the date of the notice. The notice shall be given by registered or certified mail addressed to the owner or person in possession of the property, place or area at his last known address.

(Ord. 190 § 1(part), 1981).

(Ord. No. 328, § 1, 5-14-2012)

8.24.040 - Notice to abate nuisance—Contents.

The notice shall state that if the nuisance is not abated or good-faith efforts towards abatement not been made to the satisfaction of the City Manager within fifteen days from the date thereof, a hearing shall be held before the City Council to hear any protest of the owner, possessor or other interested person. The

notice shall specify the time, date and place of the hearing, which shall be set for the regular meeting of the Council next following the expiration of the fifteen-day period.

(Ord. 190 § 1(part), 1981).

8.24.050 - Hearing and decision.

If the nuisance is not abated or good faith efforts towards abatement have not been made within the time set forth in Section 8.24.030, the City Council shall conduct a hearing at the time and place fixed in the notice at which evidence may be submitted by interested persons. Upon consideration of the evidence, the Council may declare the condition to constitute a public nuisance and order the abatement thereof. The decision of the City Council shall be final. The City Clerk shall notify all owners and possessors of the subject property, place or area of the decision of the Council.

(Ord. 190 § 1(part), 1981).

8.24.060 - Abatement by City—Notice of charge.

Upon failure, neglect or refusal by a person notified pursuant to Section 8.24.050 to abate a nuisance within thirty days after the date of notice, the City Council is authorized to cause the abatement of the nuisance and pay for the abatement. The City Council shall notify, in writing, the owner or possessor of the property, place or area upon which a nuisance has been abated by the City of the cost of abatement. Such notice shall be given in the same manner as required by Section 8.24.030.

(Ord. 190 § 1(part), 1981).

8.24.070 - Lien.

If the total cost of the abatement of the nuisance by the City is not paid to the City in full within ten days after the date of the notice of the cost of the abatement, the City Clerk shall record, in the office of the County Recorder, a statement of the total balance due to the City, a legal description of the property, place or area involved, and the name of the owner or possessor concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire amount due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full.

(Ord. 190 § 1(part), 1981).

8.24.080 - Charges to be billed on tax bill.

The City may also, in accordance with the provisions of the laws of the State, cause the amount due to the City by reason of its abating a nuisance together with interest at the maximum legal rate, accruing from the date of the completion of the abatement, to be charged to the owners of the property, place or area on the next regular tax bill. All laws of the State applicable to the levy, collection and enforcement of City taxes and County taxes are hereby made applicable to the collection of these charges.

(Ord. 190 § 1(part), 1981).

8.24.090 - Court action.

The City may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the City and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the City may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the City pursuant to any other provision of law. In addition to costs recoverable pursuant to Section 8.24.060, attorney's fees, expert fees, and court costs shall be awarded to the prevailing party in any action taken by the City to abate a nuisance if, and only if, the City seeks the award of attorney's fees and court costs at the initiation of such legal action or proceeding. The attorney's fees recoverable pursuant to this section shall be limited to the reasonable attorney's fees incurred by the City in the legal action or proceeding, regardless of the actual cost of any party's attorney's fees.

(Ord. 190 § 1(part), 1981).

(Ord. No. 328, § 2, 5-14-2012)

8.24.100 - Summary abatement.

Notwithstanding any provisions of this chapter, the City Council may cause a nuisance to be summarily abated if the City Council determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the City Manager shall attempt to notify the owner or possessor of the property, place, or area involved of the nuisance and request him to immediately abate the nuisance. If, in the sole discretion of the City Council, the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the City may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The City shall notify in writing the owner or possessor of the property, place or area upon which a nuisance has been abated by the City, of the cost of said abatement. Such notification shall be given in the same manner as required by Section 8.24.030. The provisions of Sections 8.24.070, 8.24.080 and 8.24.090 shall be applicable.

(Ord. 190 § 1 (part), 1981).

Chapter 8.28 - ABATEMENT OF NUISANCES IN ACTIVE LANDSLIDE AREAS

Sections:

8.28.010 - Nuisances in active landslide areas.

Any condition on property within the City which has in the recent past or may in the future aggravate, enlarge or accelerate an active landslide is declared to be a public nuisance. For the purposes of this chapter, an active landslide is defined as land which is sliding or moving on its own accord.

(Ord. 190 § 1(part), 1981).

8.28.020 - Abatement.

Any condition declared to be a public nuisance by Section 8.28.010 shall be abated or corrected in accordance with the provisions of Chapter 8.24.

(Ord. 190 § 1(part), 1981).

City of Rolling Hills
Abatement of Nuisances
Agency Survey - Highlights

City	Municipal Code	Code Amendments	Title	Abatement Procedures	Enforcement	Differ from RH Muni Code
Rolling Hills	Chapter 8.24	1981	Abatement of Nuisances	Yes	Contract part-time Code Enforcement at 16 hours a week	
Rolling Hills Estates	Chapter 8.12	1995, 2021	Public Nuisances	Yes	In-house full-time Code Enforcement (1)	<u>1.) Definitions: list words and phrases for this chapter</u> <u>2.) Administrative Citations are issued.</u> \$100 up to \$500
Rancho Palos Verdes	Chapter 8.24	1981, 1988, 1988, 2015	Property Maintenance Ordinance	Yes	In-house full-time Code Enforcement (2) & LASD	<u>1.) Definitions specific to this chapter</u> <u>2.) 1.08.010. - Misdemeanors; infractions; nuisances - Infractions.</u> A fine of \$100 up to \$2500 (depends on infraction and nuisance)
Palos Verdes Estates	Chapter 8.48	1991, 1995, 2009, 2012	Nuisances, General	Yes	In-house full-time Code Enforcement (1)	<u>1. Public nuisances designated.</u> Lists nuisance that are particular to the City
Lake Forest	Title 6	2007, 2011, 2017, 2023, 2024	Public Nuisance	Yes	Code Enforcement Officer(s) & Police Officers	<u>1. Emergency Abatement Procedures</u> <u>2. Hearing Officer (contractor)</u>
Aliso Viejo	Chapter 1.06	2004, 2010, 2014, 2021	Abatement of Nuisances	Yes	Code Enforcement Officer(s) & Sheriff Deputy	<u>Penalty & Code Violations:</u> <u>1 \$100.00 up \$500.00</u>
Laguna Beach	Chapter 7.24	2012, 2024	Nuisance Abatement	Yes	Code Enforcement Officer(s) & Police Officers	<u>Maintenance of property.</u> Identifies common nuisance in City

Chapter 8.12 - PUBLIC NUISANCES

Footnotes:

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Editor's note— Ord. No. 734, § 3(Exh. A), adopted April 27, 2021, repealed the former Chapter 8.12, §§ 8.12.010—8.12.390, and enacted a new Chapter 8.12 as set out herein. The former Chapter 8.12 pertained to abatement of substandard buildings and property and derived from Prior code §§ 1200—1214, 1215 (a), (b), 1216—1223, 1224(a), (c), 1225—1231, 1232 (a)—(c), 1233, 1234; Ord. 561 § 1 (part), 1993; Ord. 580 § 1 (part), 1995; Ord. 629 § 2, 2005.

8.12.010 - Purpose.

- A. This chapter pertaining to public nuisances is necessary to prevent the development of or effectively abate property-related conditions that are offensive or annoying to the senses, detrimental to property values and community appearance, or hazardous or injurious to the health, safety or welfare of the general public.
- B. The purposes of this chapter are to: declare the types of conditions which may constitute a public nuisance; establish a method for giving notice of these conditions and an opportunity to correct them; and in the event a public nuisance is not abated or corrected by the responsible persons, provide appropriate procedures that comport with due process for the city to cause the abatement of such nuisances and recover its enforcement costs.
- C. This chapter is not intended to enforce private conditions, covenants and restrictions ("CC&Rs") on property, nor to supersede them, and does not abrogate the right of any association or private citizen to take action, legal or as otherwise provided in the CC&R's, to force compliance with the CC&Rs applicable to their tract or association even though the CC&R provisions may be the same, more restrictive, or may not be covered by this chapter.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.020 - Definitions.

For the purposes of this chapter, the following definitions will apply to these words and phrases:

"Abandoned" means not legally occupied or in use for any legally permitted purpose.

"Building" means any structure.

"City manager" means the city manager of the City of Rolling Hills Estates or the city manager's designee.

"Code enforcement officer" means any person authorized to enforce certain provisions of this Code, including the city engineer, code enforcement officer, or any staff personnel involved in the investigation of public nuisances.

"Hazardous substance" means any chemical, material, or substance which is now or becomes in the future listed, defined or regulated in any manner by any federal, state or local environmental, health or safety related laws or regulations.

"Hearing officer" means any person authorized by the city manager to conduct a nuisance abatement hearing pursuant to this chapter and to make determinations, decisions and orders with respect to public nuisances as provided in this chapter.

"Legal interest" means any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the county recorder.

"Owner" means the owner of record as shown on that last equalized assessment roll of the county. For purposes of providing notice to an owner of any action under this chapter, "owner" includes the actual owner of record, or such owner's agent, employee or other legal representative.

"Property" means real property, including any grounds, lot, parcel, tract or other piece of land, and any building, structure or other appurtenance located thereon, as well as personal property.

"Responsible person" means any person that a code enforcement officer determines is responsible for causing or maintaining a violation of this Code. The term "responsible person" includes but is not limited to a property owner, lessee, occupant, tenant, a person with a legal interest in any property, or a person in possession or control of any property.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.030 - Responsibility for property maintenance.

- A. Every owner of property within the city is required to maintain such property in a manner so as not to violate the provisions of this Code. Each owner will be liable for any violations of this Code regardless of any contract or agreement with any third party regarding such property.
- B. Every lessee, occupant, tenant or holder of any legal interest in property that is not the owner of such property is required to maintain such property in the same manner as is required of the property owner. The duty imposed by this section on the owner of the property will not relieve those responsible persons from the duty to maintain the property.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.040 - Public nuisances designated.

It is hereby declared to be a public nuisance, for any property owner or responsible person to maintain any of the following conditions on private property within the city:

- A.

Substandard Buildings or Structural Conditions. Buildings or structures or portions of such buildings or structures having one or more of the following conditions:

1. Boarded Buildings. Buildings for human occupancy that are boarded by voluntary action of the responsible person or as a result of enforcement activity by the city, which are not rehabilitated within 90 days after the building is boarded.
2. Unoccupied Buildings. Buildings designed for human use or occupancy that stand vacant for more than ninety consecutive days, unless the city manager finds in writing that any of the following applies:
 - a. The building is the subject of an active building permit for repair or rehabilitation and the responsible person is progressing diligently to complete the repair or rehabilitation;
 - b. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent;
 - c. The building does not contribute to and is not likely to contribute to blight because the responsible person is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring includes:
 - i. Maintenance, of landscaping and plant materials in good condition;
 - ii. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition;
 - iii. Regular removal of all exterior trash, debris and graffiti;
 - iv. Maintenance of the building in continuing compliance with all applicable codes and regulations;
 - v. Prevention of criminal activity on the property.
3. Unfinished Building. Buildings or structures that are partially destroyed, or permitted to remain in a state of partial construction for in excess of six months; however, an extension may be allowed if orderly progress is demonstrated.
4. Substandard Construction Materials. Any materials of construction which do not conform to all applicable laws in effect at the time of construction or which have not been adequately maintained in good and safe condition.
5. Broken Windows. Buildings or structures that have broken windows; or which have an unkempt appearance for more than six months.
6. Improperly Secured Structure. The failure to secure from public access all doorways, windows and other openings into vacant or abandoned buildings or structures.
- 7.

Deteriorated Structures. Walls, retaining walls, fences, structures, or buildings, upon which the condition of the paint or surface has become so deteriorated as to permit decay, excessive cracking, peeling, chalking, dry rot, rust, warping or termite infestation.

8. Graffiti. Any building or structure (including exposed equipment or signs), wall, fence, equipment, signs, pavement or walkway upon which any graffiti, whether etched in or marked on a surface, is allowed to remain for an unreasonable period. For purposes of this subsection, "unreasonable" means the longer of the following periods: (a) three days from the placement of the graffiti on the premises; or (b) three days from notification to the responsible person from the city to remove the graffiti, or any extensions of the removal period granted in writing by the city. (See Section 8.36.020 for additional graffiti abatement procedures.)
9. Substandard Exterior Screening. Temporary fencing and screening material including, but not limited to fencing consisting of garage doors, wood pallets, barbed wire, tarpaulins (plastic, vinyl, canvas, or other similar material), opaque or transparent plastic or Mylar, bamboo sheeting, ribbed or unribbed fiberglass or plastic, recycled metal whose previous use is still easily recognizable. Screening of property visible from a public street must be of durable materials permanently constructed for the purpose of screening and must be consistent with city standards and requirements.
10. Health Hazard. Any building or structure which, due to its dilapidated condition may endanger the life or health of residents or occupants therein or in the vicinity thereof.
11. Inadequate Sanitation. This condition includes any of the following:
 - a. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or hotel room;
 - b. Lack of minimum amounts of natural light and ventilation required by the applicable city building and safety codes;
 - c. Room and space dimensions less than required by the applicable city building and safety codes;
 - d. Dampness of habitable rooms.
12. Structural Hazards. This condition includes any of the following:
 - a. Deteriorated or inadequate foundations;
 - b. Defective, deteriorated or inadequate size flooring or floor supports;
 - c. Defective, deteriorated or inadequate size members of walls, partitions, or other vertical supports;
 - d. Defective, deteriorated or inadequate size ceiling, roof or other horizontal supports;
 - e. Defective, deteriorated or inadequately constructed fireplace or chimney.

13. Inadequate or Hazardous Wiring. Any wiring that does not conform to the applicable laws in effect at the time of installation, or which is not maintained in a good and safe condition, or is not working properly.
 14. Inadequate Plumbing. Any plumbing that does not conform to all applicable laws in effect at the time of installation, or which has not been maintained in a good and safe condition, or which is not free of cross connections and siphonage between fixtures.
 15. Inadequate Heating or Ventilation. The lack of adequate heating facilities in a dwelling unit or hotel room; the lack of, or improper operation of, required ventilating equipment; and any mechanical equipment, including vents, that do not conform to all applicable laws in effect at the time of installation or which are not maintained in a good and safe condition.
 16. Faulty Weather Protection. The lack of sound and effective roof covering or wall covering.
 17. Fire Hazard. Any building, structure, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as to potentially cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
 18. Inadequate Fire Safety Measures or Firefighting Equipment. Any building or structure which is not provided with exit facilities or fire-extinguishing systems or equipment as required by law.
 19. Unpermitted Work. Any unpermitted work on any building, structure, for which permits must be obtained.
 20. Habitation Without Certificate of Occupancy. Any building or structure used for habitation purposes before a certificate of occupancy has been issued for such a building or structure.
 21. Any other condition constituting a "substandard building" under California Health and Safety Code section 17920.3.
- B. Substandard Property Conditions and General Public Nuisance Conditions. Property or portions of property (including public property) having one or more of the following conditions:
1. Substandard Exterior Surfaces. Walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways that are maintained in such condition so as to become defective, unsightly or no longer viable including those driveways, parking lots, sidewalks or walkways containing potholes, cracks or weeds.
 2. Substandard Landscaping. Neglected or improperly maintained landscaping of a substantial level or on a significant portion of the property, including but not limited to dead, debris laden, weed infested or overgrown vegetation; trees, shrubs, hedges, grass and ground cover; or vegetation dying as a result of physical damage, disease, insect

infestation or lack of water; or the removal or failure to maintain in good condition any substantial level or significant portion of landscaping required as a condition to any permit or development approved or included in the project plans or application, without city approval. This condition also includes the lack of any landscaping in any front yard, driveway, or landscaped setback area which lacks turf, other planted material, or planted ground cover or covering, so as to cause excessive dust or allow the accumulation of debris.

3. Debris Accumulation. Except where construction is occurring under a valid permit, lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broken or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap metals, machinery parts, dilapidated or dismantled automobiles or other such material stored or deposited on property such that they are visible from a public street, alley, or neighboring property, or which constitutes a fire hazard, or which adversely affect the aesthetic or olfactory nature of the area. With respect to refuse or trash placed so as to be visible from neighboring properties or streets, this condition does not apply to those times when refuse or trash is scheduled for collection, in accordance with this Code or other city regulation.
4. Exterior Storage. The exterior storage or maintenance of parts or machinery of any type or description, where such items are visible from a private or public street, sidewalk or right-of-way, unless specifically authorized by a city license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment or garbage bins except while excavation, construction or demolition operations covered by an active building permit or other city permit are in progress on the subject or adjoining property.
5. Unauthorized Parking or Storage of Vehicles or Mobile Equipment. The parking or storage of any vehicle, boat, trailer, camper, motor home or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used for residential purposes, if either:
 - a. Located on any front lawn, front yard or street side yard, provided, however, that such parking or storage of a legally registered and operable vehicle, boat, trailer, camper, or motor home is allowed in front or side street yards on required parking spaces or on paved driveways leading directly from approved and permitted curb cuts to required garages, or other required off-street parking spaces, if such vehicle, boat, trailer, camper or motor home is located totally on private property and does not extend into or block any public right-of-way, and in full compliance with Section 17.06.440(C) of this Code; or
 - b.

Located in any side or rear yard so as to prevent a three-foot wide continuous fire access way from the front of the property, and in full compliance with Section 17.06.440(C) of this Code.

6. **Landslide and Water Hazards.** Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties. The excavation of land that results in the accumulation of any pool or body of water in such a manner that it is, or may become, a breeding place for mosquitoes.
7. **Improper Obstruction.** Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, alley, right-of-way, park or building, without prior city consent, or which may impede emergency access or may otherwise constitute a hazard to public safety or property. Such obstructions or encroachments include, but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal property, signs, and buildings or portions of buildings or structures protruding onto public property.
8. **Improper Vehicle Repair.** Use of property used for residential purposes for performing vehicle repairs or maintenance where either of the following conditions exists:
 - a. The repair is conducted on vehicles registered to persons not currently residing on the property; or
 - b. The repair is conducted outside of a fully enclosed structure and results in a vehicle being inoperable for more than twenty-four hours.
9. **Hazardous Substances.** The improper maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause or substantially contribute to an increased risk of death or serious illness or otherwise pose a significant present or potential hazard to human health or the environment including any hazardous substance that is likely to or actually flows or seeps onto any public street or other public or private property.
10. **Attractive Nuisances.** Abandoned, broken, or neglected equipment and machinery, pools, ponds, excavations, abandoned wells, shafts, basements or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles (including the appearance of an abandoned vehicle), any unsound structure, skateboard ramps, or accumulated lumber, trash, garbage, debris or vegetation that may reasonably attract children to such abandoned or neglected conditions.
11. **Construction Debris or Storage Containers.** Construction debris storage bins and other storage containers, including portable on demand storage containers (PODS), stored in excess of five days on any public street, any driveway, or any front or side yard setback

area, without the express approval of the city.

12. Animals and Livestock. Animals, livestock, poultry or bees kept, bred or maintained for any purpose in violation of any provision of this Code.
 13. Overcrowded Habitation. Any habitation that is overcrowded, as defined by the Uniform Housing Code or the Los Angeles County Residential Code.
 14. Illegal Dumping. Except where construction is occurring under a valid permit, the dumping or depositing of waste matter, rocks or dirt in or upon any public or private street or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public property other than property designated or set aside for that purpose by the governing body having charge of that property.
 15. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use and property values of such adjacent properties.
 16. Clothes lines in front yard areas or any yard contiguous to a street visible from public view.
- C. Other Illegal Conditions. Any other condition caused or permitted to exist in violation of this Code, any city ordinance, any adopted building code or any applicable federal, state, or county law, which may constitute a public nuisance. This includes the failure of any person to comply with any condition of a city approval, entitlement, license or permit or when an activity on, or use of, real property violates, or is contrary to, any provision or requirement of this Code.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.050 - Notice of violation.

- A. Whenever the city manager reasonably believes a public nuisance exists, the city manager may commence nuisance abatement proceedings under this chapter.
- B. To initiate nuisance abatement proceedings, the city manager must first cause a written notice of violation to be issued. The notice of violation serves as a written warning to cease and abate the violation. Any notice of violation issued by the city under Chapter 1.25 (Administrative Citations) of this Code will satisfy the requirements of this section.
- C. The notice of violation will be issued on a form approved by the city attorney, and at a minimum must contain the following information:
 1. Name of the responsible person for the violation.
 - 2.

Date, approximate time, and address or definite description of the property location where the violation was observed.

3. The code sections or conditions violated and a description of the violation.
 4. A description of the actions necessary to correct the violation.
 5. An order to the responsible person to correct the violation within a prescribed and reasonable time period.
 6. An explanation of the consequences of the failure to correct the violation in terms of the city's ability to charge the costs of abatement as a lien against the property and to foreclose on such lien.
- D. The city manager is authorized to grant reasonable extensions on the time period for removal or correction of any condition specified in the notice of violation on a proper showing by the responsible person of extenuating circumstances, made before the date for compliance specified in the notice of violation.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.060 - Service of notice.

Except as otherwise provided in this chapter, whenever notice is required to be given under this chapter, it must be given in one of the following ways:

- A. Personal service.
- B. Certified mail, postage prepaid, return receipt requested. Service by mail will be effective on the date of mailing.
- C. Posting the notice conspicuously on or in front of the affected property or any other real property within the city in which the city has knowledge that the property owner or other responsible person has a legal interest.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.070 - Notice of public nuisance abatement hearing.

- A. Upon the failure of a property owner or other responsible person to remove or correct the conditions described in the notice of violation by the date specified and the city's election to pursue abatement administratively, the city manager may cause a notice of public nuisance abatement hearing to be issued and a hearing scheduled to determine whether such building, structure, or property is being maintained in such a manner so as to constitute a public nuisance.
- B. The notice of a nuisance abatement hearing must be issued (1) by sending the notice by certified mail to the owner of the affected property at the address shown on the latest equalized tax assessment roll and to any other responsible persons holding permits or entitlements to the

applicable property, building or structure at least ten days prior to the hearing, and (2) by conspicuously posting on the affected property, building, or structure a copy of the notice as provided in subsection (C). The notice may also be served on the holder of any legal interest of record in the building, structure or property.

- C. The notice of a public nuisance abatement hearing must be provided in substantially the following format:

NOTICE OF PUBLIC NUISANCE ABATEMENT HEARING

(Name and address of owner of the property and any other responsible person)

As owner of the property located at (address) based on the most recent Los Angeles County equalized assessment roll or as a person responsible for the day-to-day management and maintenance of this property, you are hereby notified that the undersigned has determined that the following conditions exist on the property, the existence of which may constitute a public nuisance under the Rolling Hills Estates Municipal Code:

_____.

A hearing will be held at (place), Rolling Hills Estates, on (time) before a city hearing officer to determine whether the conditions that exist on the property constitute a public nuisance.

A hearing may be avoided if the following corrections are made at least five days before the date set for the hearing:

_____.

Thereafter you must maintain the property free of any of the unlawful conditions described above. It is your responsibility to obtain all appropriate permits and to dispose of any material involved in the public nuisance in a legal manner.

If corrective action is not taken prior to the hearing and the hearing officer determines that the conditions on the property constitute a public nuisance and such nuisance remains unabated by the date set forth in the hearing officer's order, the following abatement action may be taken by the city:

_____.

IF ABATEMENT ACTION IS TAKEN BY THE CITY, ALL COSTS OF THE ABATEMENT, INCLUDING THE TIME OF CITY OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS AND ATTORNEYS WILL BE ASSESSED AGAINST THE PROPERTY AND WILL ATTACH AS A LIEN UNTIL PAID.

All persons having an interest in this matter may attend the hearing and give testimony and evidence, which will be given due consideration by the hearing officer. Call _____ for questions regarding this notice.

Dated: _____

City of Rolling Hills Estates _____ Department

By: _____

- D. If the property owner or other responsible person abates the nuisance prior to the time of the hearing, such person must immediately notify the city and schedule an inspection by a code enforcement officer so that the city can confirm that the nuisance has been abated and that the abatement hearing may be cancelled.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.080 - Nuisance abatement hearing.

The hearing to determine whether a public nuisance exists will be conducted as follows:

- A. The hearing officer is authorized to take testimony and in the course of so doing, is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure section 2093(a).
- B. At the hearing, the hearing officer must consider all relevant evidence, including but not limited to applicable staff reports. The hearing officer must give any interested person the reasonable opportunity to be heard.
- C. The hearing officer may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:
 1. Notice of such inspection is given to the parties before the inspection is made;
 2. The parties are given an opportunity to be present during the inspection;
 3. The hearing officer must state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and each conclusion drawn from such facts.
- D. Each party will have the right to rebut or explain the matters referenced by the hearing officer either during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

- E. Based upon the evidence presented to or discovered by the hearing officer, the officer will determine whether a public nuisance within the meaning of this chapter exists.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.090 - Abatement order.

- A. The hearing officer must issue a written decision within ten business days of the conclusion of the hearing and cause a copy of the decision to be mailed by certified mail to the property owner, and by regular first-class mail to all other persons who received notice of the original hearing, and to any other person who has requested in writing notice of the decision.
- B. If the hearing officer determines that a public nuisance exists, then the hearing officer will issue an order requiring the abatement of the nuisance in a reasonable time and manner. In addition, the hearing officer will, as part of the abatement order, direct the property owner to pay the city's costs of the nuisance proceedings. Such costs will include any and all noticing costs, the time of city officers, employees, agents, contractors, the hearing officer's costs, and the reasonable attorney fees incurred by the city (if notice that the city would seek attorney fees was provided at the commencement of the proceedings in accordance with Government Code section 38773.5). Any costs awarded will be deemed a debt owed to the city and must be paid within thirty days of invoice from the city. Any debt remaining unpaid will, at the city's option, be:
1. Collected through the use of civil process, including utilization of a collection agency; or
 2. Placement of such debt as a lien upon the property to be collected in accordance with Section 8.12.120 of this chapter.
- C. The decision of the hearing officer will be final and may be judicially reviewed under California Code of Civil Procedure section 1094.5.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.100 - Abatement of nuisance by city.

- A. If the nuisance is not completely abated by the date specified in the hearing officer's order, the city manager may cause the nuisance to be abated by city personnel or under private contract.
- B. The city manager is authorized to grant reasonable extensions on the time period for abatement based on a proper showing by the property owner or other responsible person of extenuating circumstances, made before the date of the ordered abatement.
- C. The city attorney is authorized to take whatever action is necessary to gain entry upon the property where the public nuisance exists for purposes of abating the nuisance.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.110 - Determination of abatement costs.

- A. City personnel, and any private contractor authorized to abate a nuisance, must keep an account of the costs incurred in the abatement proceeding including all abatement work performed on each separate parcel of land where work is done and must render an itemized report in writing to the city manager. Such costs of abatement include all direct costs and expenses related to such things as personnel salaries and benefits, operation overhead, the actual expenses and costs of the city in preparation and service of notices, specifications, and contracts, fees for experts or consultants, inspection of work, legal costs or expenses including reasonable attorney fees, and procedures associated with collecting moneys owed.
- B. The city manager will give notice by certified mail of the costs of abatement to the property owner at the address appearing on the latest equalized assessment roll and to any responsible person at the affected property. This cost notice will include a statement that the property owner and any responsible person has a right to a hearing before the city manager regarding the costs of abatement of the property if such hearing is requested in writing within ten days of the date of the notice.
- C. If a hearing is requested, the city manager will set a date for the hearing and cause notice of the hearing to be sent by certified mail to the property owner and to any responsible person at least ten days before the date of the scheduled hearing. The city manager will either confirm or modify the costs of abatement at such hearing. The city manager must give notice of the decision on the assessment of the costs of abatement by certified mail to the property owner and to any responsible person. The costs of abatement will be a personal obligation of the property owner and any responsible person and may be charged as a lien against the property involved. The decision of the city manager will be final.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.120 - Collection of abatement costs.

If the total cost of abatement of the nuisance, as confirmed by the city manager, remains unpaid within thirty days of the notice provided under Section 8.12.100(C), the city manager may cause the abatement costs to be collected by any of the following or any other lawful means:

- A. Recordation of a lien that will become a judgment lien.
 - 1. Prior to recordation, a notice of nuisance abatement lien must be served on the owner of record in the same manner as a summons in a civil action in accordance with Code of Civil Procedure section 415.10. 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 ten days and publishing the notice in a newspaper of general circulation in the city.

2. The nuisance abatement lien must specify (1) the amount of the lien, (2) that the lien is imposed on behalf of the city, (3) the date of the city's abatement order, (4) the street address, legal description and assessor parcel number of the parcel on which the lien is imposed, and (5) the name and address of the recorded owner of the property.
 3. The lien will be recorded in the county recorder's office and from the date of recording will have the force, effect and priority of a judgment lien and may be foreclosed by an action brought by the city for a money judgment.
 4. The city may recover from the property owner any costs incurred regarding the processing and recording of the nuisance abatement lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.
 5. In the event the lien is satisfied, the city will cause a notice of release of the lien to be recorded in the county recorder's office.
- B. Recordation of a lien that will become a special assessment.
1. Prior to recordation, a notice of nuisance abatement lien must be sent by certified mail to the property owner at the address appearing on the latest equalized assessment roll.
 2. In addition to the matters set forth in subsection (A)(2) above, the notice of the nuisance abatement lien must specify that the lien will constitute a special assessment that will be collected at the same time and in the same manner as ordinary municipal taxes are collected and will be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. If payments are permitted to be made in annual installments, the rate of interest on the unpaid balance must be specified.
 3. After confirmation and recordation, a copy of the notice of lien will be turned over to the tax collector to add the amount of the assessment to the next regular tax bill levied against the respective parcels of land. Any costs incurred by the city in connection with recording the lien may be added to the assessment.
 4. The city manager may determine that in lieu of collecting the entire assessment at the time and in the manner of ordinary municipal taxes, the assessment may be paid in annual installments over a period not to exceed five years. If any installment is delinquent, the amount of the delinquency will be subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. Any assessments so deferred will bear interest on the unpaid balance at the rate of six percent per year.
 5. If the lien is satisfied, the city will cause a notice of release of the lien to be recorded in the county recorder's office.
- C. Civil action by the city.

8.12.130 - Alternate abatement actions.

- A. Emergency abatement. Notwithstanding any other provision of this Code, whenever the city manager determines that a public nuisance exists within the city and that nuisance constitutes an imminent hazard or danger to public health or safety, the city manager, without observing the provisions of this chapter with regard to abatement procedures, may cause the abatement of such nuisance in such manner as the city manager determines is reasonably required. If the city manager deems it feasible, the city manager may attempt to give the property owner or other responsible person informal notice of the nuisance and the proposed timing and method of abatement. The city manager must promptly report any such emergency abatement action to the city council. The city manager will cause to be maintained an itemized account of the costs incurred by the city in abating the imminently dangerous condition. Such costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to this chapter.
- B. Nothing in this chapter will be deemed to prevent the city from commencing a civil or criminal proceeding to abate a public nuisance, including seeking an abatement warrant, or from pursuing any other means or remedies available to it under this Code or the provisions of any applicable ordinances, law, or in equity to correct nuisances arising from any building, structure or property in addition to or as alternatives to the proceedings set forth in this chapter.

8.12.140 - Right of entry.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a code enforcement officer has reasonable cause to believe that there exists in any building or structure or upon any property any unlawful condition or prohibited activity which makes such building, structure or property unsafe, dangerous or hazardous, the code enforcement officer may enter such building, structure or property at all reasonable times to inspect the same or to perform any duty imposed upon the code enforcement officer by this chapter. If such building, structure or property is occupied, the code enforcement officer must first present proper credentials and request entry; and if such building, structure or property is unoccupied, the code enforcement officer must first make a reasonable effort to locate the owner or other responsible person and request entry. If such entry is refused, the code enforcement officer will have recourse to every remedy provided by law to secure entry.
- B. It is unlawful for any person, including an owner or responsible person to refuse to allow a code enforcement officer, or a contractor engaged by the city, to enter upon the property at any time during the hours of daylight for the purpose of the abatement of a public nuisance or to obstruct,

impede or interfere in any manner with the code enforcement officer, or a contractor engaged by the city, in any abatement work undertaken pursuant to the provisions of this chapter.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

8.12.150 - Attorney fees and treble costs.

- A. Attorney Fees. Under Government Code section 38773.5, in any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party will be entitled to recover attorney's fees, provided that attorney's fees will be limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding, may 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. Order for Treble Costs. Under Government Code section 38773.7, in addition to any other costs of abatement permitted under this chapter, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that a property owner or other responsible person is responsible for a condition that may be abated in accordance with this chapter, except for conditions abated pursuant to California Health and Safety Code section 17980, the city may seek and the court may order the property or other responsible person to pay treble the costs of the abatement.

(Ord. No. 734, § 3(Exh. A), 4-27-2021)

CHAPTER 8.24. - PROPERTY MAINTENANCE

8.24.010. - Short title.

This chapter shall be known as the "City of Rancho Palos Verdes Property Maintenance Ordinance" and is adopted pursuant to the authority contained in Government Code § 38773.5.

(Code 1981, § 8.24.010; Ord. No. 235, § 2(part), 1988)

8.24.020. - Findings.

The city council finds and determines as follows:

- A. The city has a history of and a reputation for well-kept properties, and the property values and the general welfare of the community are dependent, in part, upon the appearance and maintenance of private properties.
- B. There exists a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this chapter, have been found from place to place throughout the city.
- C. The existence of certain conditions, as described in this chapter, is injurious and inimical to the public health, safety, and welfare of the residents of the city and contributes substantially and increasingly to the deterioration of neighborhoods.
- D. Unless corrective measures are undertaken to alleviate such conditions and ensure the avoidance of future problems in this regard, the public health, safety and general welfare, and specifically the social and economic conditions of the community, will be adversely affected.
- E. The abatement procedures set forth in this chapter are reasonable and afford due process to all affected persons.
- F. The uses and abuses of property as described in this chapter reasonably relate to the proper exercise of the police power to protect the health, safety and general welfare of the public.

(Code 1981, § 8.24.020; Ord. No. 235, § 2(part), 1988)

8.24.030. - Definitions.

Except where the context otherwise requires, the definitions hereafter set forth shall govern the construction of this chapter:

- A. *Attractive nuisance* means any condition instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children

to the property and to risk injury by playing with, in or on it.

- B. *Code enforcement official* means the city manager, or any person designated by the city manager to enforce the provisions of this chapter.
- C. *Occupant* includes, but is not limited to, the owner, the owner's agent or employee, a lessee, the lessee's agent or employee, a tenant, the tenant's agent or employee, or any person otherwise in possession or control of any property within the jurisdiction of the city. If the owner is the occupant of the property, provisions relating to the owner and the occupant shall be treated as relating to one person.
- D. *Owner* means the owner of record as shown on the last equalized assessment roll of the county. For purposes of providing notice to an owner of any action under this chapter, the term "owner" includes the actual owner of record, or such owner's agent, employee or other legal representative.
- E. *Property* includes any grounds, lot, parcel, tract or other piece of land, as well as any building, structure or other appurtenance located thereon.
- F. *Public nuisance* means 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 by a neighborhood or by any considerable number of persons in the city irrespective of whether the annoyance or damage inflicted upon individuals is unequal.
- G. *Vehicle* means a motorized or nonmotorized device by which any person or property may be propelled, moved, or drawn upon a highway, including, but not limited to, automobiles, recreational vehicles, trailers, campers, watercraft, aircraft, or gliders. The term "vehicle" does not mean any device moved exclusively by human power.
- H. *Recreational vehicle* means any motor home, camper, house or tent trailer that may be used by persons for temporary occupancy, regardless of whether it has its own motor or is to be towed by a motorized vehicle. The term "recreational vehicle" does not mean a mobilehome.

(Code 1981, § 8.24.030; Ord. No. 235, § 2(part), 1988; Ord. No. 390, § 1, 2003)

8.24.040. - Responsibility for enforcement.

The administration and enforcement of this chapter shall be the responsibility of the code enforcement official who shall perform all duties in the manner authorized by law.

(Code 1981, § 8.24.040; Ord. No. 235, § 2(part), 1988)

8.24.050. - Nonexclusive regulations.

The procedures set forth in this chapter shall not be exclusive and shall not, in any manner, limit or restrict the city in the enforcement of other city ordinances or the abatement of public nuisances in any other manner provided by law.

(Code 1981, § 8.24.050; Ord. No. 235, § 2(part), 1988)

8.24.060. - Prohibited activities and unlawful conditions.

- A. It shall be unlawful for any person owning, leasing, occupying, or having charge or possession of any property in the city to cause, or to permit, or to maintain thereon any condition which is at variance with the level of maintenance of surrounding properties, or which results in substantial detriment to the comfortable enjoyment of life or property by others in the immediate vicinity thereof. Such conditions include, but are not limited to, the following:
1. Inadequately maintained landscaping visible from the public right-of-way or adjoining property, which shall include:
 - a. Lawns with grasses which create an unsightly appearance due to lack of water or inadequate spraying, trimming, treatment or similar maintenance;
 - b. Overgrown vegetation which is unsightly and likely to harbor rats or vermin;
 - c. Trees, hedges, shrubs, plants or other vegetation which:
 - i. Are dead, decayed, diseased, or infested with insects;
 - ii. Create a fire hazard or are otherwise dangerous to the public health, safety and welfare;
 - iii. Interfere with or impede the flow of traffic, whether vehicular or pedestrian, or obstruct visibility, on streets, intersections, sidewalks or other public rights-of-way; or
 - iv. Create an unsightly appearance due to lack of water or inadequately spraying, trimming, pruning, treatment or similar maintenance.
 2. The storage of trash, garbage or refuse cans, bins, boxes or other such containers in front or side yards, which are not substantially screened from view from the public or private street right-of-way, except when placed for collection pursuant to the provisions of this Code.
 3. The accumulation of junk, trash, debris, rubbish, garbage, lumber, scrap metal, concrete, asphalt, tin cans, tires, piles of earth or salvage materials which are visible from the public right-of-way or adjoining property.
 4. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment which are not stored within an entirely enclosed space.
 5. Abandoned, wrecked, dismantled or inoperative vehicles that are not stored within a fully enclosed structure.

6. Any vehicle that is not parked or stored in the following manner:
 - a. Any vehicle shall be parked overnight or stored only on a developed lot or parcel (lot), except that one vehicle may be parked or stored on an undeveloped lot if the owner of the vehicle also is the owner of the undeveloped lot or is a member of the lot owner's immediate family, and the owner of the vehicle lives on a developed lot that is contiguous to the undeveloped lot on which the vehicle is parked or stored, provided that the remaining provisions of this subsection 6 are met. For the purposes of this section, the term "vehicle" includes a trailer, which is attached to a motorized vehicle that tows the trailer, and the term "immediate family" includes spouses, registered domestic partners, children, stepchildren, parents, in-laws, grandparents and grandchildren.
 - b. Any vehicle parked on a direct access driveway shall be parked essentially perpendicular to the street of access.
 - c. Any vehicle that is parked in the front yard or on any other portion of the property that is visible from the street right-of-way shall be parked or stored on a driveway or other lawfully installed paved surface so that the entire vehicle fits over the paved surface without overhanging into landscaped areas, sidewalks, parkways or the street right-of-way.
 - d. Any vehicle that is parked in the front yard or any other portion of the property that is visible from the street right-of-way shall be kept in a reasonably well-maintained condition (i.e., no broken windows) or shall be covered with a generic vehicle cover that is designed for the particular type of vehicle, provided that the cover is properly secured and is continually maintained in good repair (i.e., is not torn).
 - e. Unless a temporary guest permit has been issued by the director, no vehicle shall be occupied or used as an accessory dwelling unit for sleeping, cooking, office, or other similar purposes, and no vehicle shall be connected to electricity, water, or sewer lines, except for the temporary purpose of charging batteries, filling water tanks, or legally removing material from any gray and black water tanks. Temporary guest permits shall be issued only for properties that are developed with a residence. A temporary guest permit shall not be effective for more than 14 calendar days, and no more than three temporary guest permits may be issued for any residence during any calendar year.
7. Buildings, structures or appurtenances thereto which are deemed to be "unsafe" as that term is defined in section 102 of the California Building Code, as adopted by section 15.04.010 (Building code adopted).
8. Building exteriors, walls, fences, driveways or walkways which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription or other marking commonly referred to as "graffiti."

9. Buildings or structures which are abandoned, boarded up, partially destroyed, or partially constructed after building permits have expired.
 10. Buildings or structures with deteriorating or peeling paint which allows the exterior covering to deteriorate or which permits the effects of sun and water penetration to cause decay, dry rot, warping or cracking.
 11. Buildings or structures with broken windows, doors, attic vents or underfloor vents.
 12. A swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or otherwise unmaintained, wherein the water becomes polluted by bacterial growth, algae, remains of insects or deceased animals or reptiles, rubbish, refuse, debris or other foreign matter, thereby creating an unhealthy, unsafe or unsightly condition.
 13. Mechanical equipment, including, but not limited to, air conditioning units and pool filters, which generate noise levels in excess of 65 dBA as measured from the closest property line.
- B. It is unlawful for any person owning, leasing, occupying, or having charge or possession of any property in the city to fail or refuse to remove from any sidewalk or other public right-of-way abutting or adjoining such property all loose earth, mounds of soil, dry grass, weeds, dead trees, tin cans, abandoned asphalt or concrete, rubbish, refuse, and waste material of any kind, or any other unsanitary substance, object or condition which may endanger or injure neighboring property or the health, safety or welfare of the residents in the vicinity of such property, or which may obstruct such sidewalk or other public right-of-way and thereby endanger or injure persons traveling thereon.
- C. It is unlawful for any person to dump, move or place any earth, sand, gravel, rock, stone or other excavated material or debris so as to cause the same to be deposited upon or to roll, blow, flow, or wash upon or over any public place or way or the premises of another without the express written consent of the owner of such premises so affected. No person shall, when hauling any earth, sand, gravel, rock, stone or other excavated material or debris over any public street, alley or other public place, allow such material to blow or spill over and upon such street, alley, or place, or adjacent private property.

(Code 1981, § 8.24.060; Ord. No. 235, § 2(part), 1988; Ord. No. 273, § 5(exh. A), 1991; Ord. No. 390, § 2, 2003; Ord. No. 511, § 1, 6-29-2010; Ord. No. 553, § 2, 12-3-2013; Ord. No. 622, § 1, 5-21-2019; Ord. No. 628, § 7, 10-15-2019)

8.24.070. - Public nuisances.

- A. It is declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property in the city to cause, permit, or maintain any prohibited activity or unlawful condition thereon described in section 8.24.060 (Prohibited activities and unlawful conditions), or to maintain any attractive nuisance.

- B. The city council shall have the power to declare by ordinance or resolution that a particular activity or condition other than and in addition to those described in section 8.24.060 (Prohibited activities and unlawful conditions) shall constitute a public nuisance which must be abated.

(Code 1981, § 8.24.070; Ord. No. 235, § 2(part), 1988)

8.24.080. - Procedures for abatement of public nuisances.

- A. *Procedures.* Whenever the code enforcement official has inspected or caused to be inspected any property and has determined that an unlawful condition constituting a public nuisance exists thereon, the code enforcement official may use the procedures set forth in this section for the abatement of such public nuisance; provided, however, that if the public nuisance is determined to be imminently dangerous to life or adjacent property and to require immediate removal, repair or isolation, the procedures set forth in section 8.24.100 (Alternative procedures for abatement of imminently dangerous public nuisances) hereof may be used by the code enforcement official.

- B. *Notice and order of code enforcement official.*

1. The code enforcement official shall give, or cause to be given, a notice and order to abate the unlawful conditions existing on the property. Such notice and order shall be in writing and shall detail the existing unlawful conditions which constitute a violation of this chapter. Such notice and order shall be in substantially the following form:

NOTICE AND ORDER TO ABATE A PUBLIC NUISANCE

TO THE OWNER, AGENT OF THE OWNER, LESSEE, OCCUPANT, OR PERSON IN POSSESSION OF THE PROPERTY HEREINAFTER DESCRIBED:

YOUR ATTENTION IS HEREBY DIRECTED to the provisions of chapter 8.24 of title 8 of the Municipal Code of the City of Rancho Palos Verdes, California, on file in the office of the city clerk in the City Hall.

Pursuant to the provisions of said chapter, you are hereby notified that:

(DESCRIPTION OF UNLAWFUL CONDITIONS)

You are further notified and ordered to abate the above specified conditions by taking the following actions:

(DESCRIPTION OF ACTIONS NECESSARY TO ABATE UNLAWFUL CONDITIONS)

Such actions must be completed within (insert time period) days from the date of your receipt of this notice and order, and thereafter you must maintain the said property free of any of the unlawful conditions described above. It is your responsibility to obtain all appropriate permits and to dispose of any materials involved in the public nuisance in a legal manner.

In the event you fail to complete such work within the time hereinabove mentioned, the undersigned shall cause the appropriate action to be taken and completed, and the charges therefor will be a lien upon the said property or upon the lot or parcel of land adjoining and abutting the public right-of-way or sidewalk in the event the public right-of-way or sidewalk is to be cleaned or otherwise protected.

You are advised that any person holding record title or having any interest in the property may appeal from this notice and order, or any determination of the Code Enforcement Official, to the city council within ten days from the date of service of this notice and order. Written notice of such appeal must be filed in the office of the city clerk in the City Hall at 30940 Hawthorne Boulevard, Rancho Palos Verdes, California 90274. If no appeal is filed within the time prescribed, the determination of the Code Enforcement Official shall be final.

You are further advised that this notice and order may be recorded against the property in the office of the county recorder.

The said building, structure, improvement, or property is situated in the City of Rancho Palos Verdes, Los Angeles County, California, on premises described as LOT ____, BLOCK ____, TRACT ____, and commonly known as _____.

Dated at Rancho Palos Verdes, California this ____ day of __, __.

	_____ Code Enforcement Official City of Rancho Palos Verdes, California
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2. The notice and order shall be given by delivering the notice personally to the owner, agent of the owner, lessee, occupant, or person in possession of the premises described in the notice and order, or by sending such notice by registered or certified mail, postage prepaid, addressed to the owner, agent of the owner, lessee, occupant or person in possession of the

premises therein described at their last-known address. The address of the owner as it appears on the last equalized assessment roll of the county shall be conclusively deemed to be the proper address for the mailing of such notice. If mailed, such notice shall be deemed to have been received three days after the date the notice was deposited in the United States mail.

3. In the absence of fraud, no error or mistake in the service of the notice and order, and no failure on the part of any property owner to receive the notice and order, shall in any manner affect the validity of any proceedings hereunder as to any other person duly served.
 4. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service and declaring the time and manner in which service was made.
 5. Subsequent to service of the notice and order, the code enforcement official may file in the office of the county recorder a certificate containing a legal description of the subject property and certifying that a public nuisance exists on the property and that the owner has been so notified. The code enforcement official shall file a new certificate in the office of the county recorder, stating that the public nuisance has been abated, whenever any of the following has occurred:
 - a. The corrections ordered have been completed so that a public nuisance no longer exists on the property described in the certificate;
 - b. The notice and order is rescinded by the city council upon appeal; or
 - c. The city has caused the public nuisance to be abated and the costs of abatement have been paid.
- C. *Extension of time to perform work.* Upon receipt of a written request from any person required to comply with the notice and order, the code enforcement official may grant an extension of time within which to complete said abatement, if the code enforcement official determines that such an extension of time will not create a situation imminently dangerous to life or property. The code enforcement official shall have the authority to place reasonable conditions on any such extension.
- D. *Appeals.* Within ten days after the date of service of a notice and order, the owner, agent of the owner, lessee, occupant, or person in possession of the property who may have been served with a notice and order, or any person interested in the property affected by such notice and order, may appeal to the city council as to the requirements of such notice and order. Such appeals shall be in writing, shall state the objections of the person filing the appeal, shall be filed with the city clerk within the time specified herein, and shall be presented to the city council by the city clerk at its next regular meeting. The city council shall thereupon proceed to hear and pass upon the appeal. The city council shall, by resolution, determine whether the code enforcement official

shall proceed in accordance with the notice and order as given, or as modified by the city council, or not at all, and its decision thereon shall be final and conclusive. Said hearing may be continued by the city council from time to time as it deems necessary.

(Code 1981, § 8.24.080; Ord. No. 235, § 2(part), 1988)

8.24.090. - Abatement of public nuisances by the city.

- A. If the owner, agent of the owner, lessee, occupant, or person in possession of the property who may have been served with a notice and order shall fail to take action as required by the notice within the time therein specified, or as extended by the city council, and in accordance with the provisions of this chapter, the code enforcement official shall take action as specified in the notice and order to abate the public nuisance existing on the property.
- B. Abatement of the public nuisance may, in the discretion of the code enforcement official, be performed by city forces or by a private contractor engaged by the city pursuant to the provisions of this Code.
- C. Notwithstanding compliance with the notice and order, the owner, and any other persons having an interest in the property described in the notice, shall in all events be jointly and severally liable for all costs incurred by the city in securing such compliance, including those costs identified in section 8.24.110(A). Moneys due the city pursuant to this subsection may be recovered in an appropriate civil action. Alternatively, costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to this chapter. The city shall be entitled to recover its attorneys' fees and costs arising from any abatement action or other civil action to enforce this chapter if the city is the prevailing party, and provided it elected to seek attorneys' fees at the commencement of the action. A responsible person shall be entitled to recover their attorneys' fees if the city made the election to seek attorneys' fees at the outset of the action and the responsible person prevails in that action. In no such legal action shall an award of costs, including reasonable attorneys' fees, to a prevailing party exceed the amount of costs, including reasonable attorneys' fees, incurred by the city in the action or proceeding.

(Code 1981, § 8.24.090; Ord. No. 235, § 2(part), 1988; Ord. No. 570, § 6, 7-7-2015)

8.24.100. - Alternative procedures for abatement of imminently dangerous public nuisances.

Whenever the code enforcement official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately removed, repaired or isolated, the code enforcement official may implement the following procedures:

- A. *Notice.* The code enforcement official shall attempt to make contact through a personal interview, or by telephone, with the owner of the property or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event such contact is made,

the code enforcement official shall notify such persons of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

- B. *Abatement.* If the code enforcement official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the code enforcement official, do not take action within such time as may be specified by such official, then the code enforcement official may take all actions deemed necessary to remove, repair or isolate such dangerous condition or conditions, with the use of city forces or a contractor engaged pursuant to the provisions of this Code.
- C. *Costs.* The code enforcement official shall keep an itemized account of the costs incurred by the city in removing, repairing or isolating such condition or conditions. Such costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to this chapter.

(Code 1981, § 8.24.100; Ord. No. 235, § 2(part), 1988)

8.24.110. - Account of abatement costs.

- A. The code enforcement official, in conjunction with the director of finance, shall keep an itemized account of all costs incurred by the city in the abatement of any public nuisance under this chapter. Such costs may include, but are not limited to, any and all direct costs and expenses related to such items as investigation, boundary determination, measurement, personnel salaries and benefits, operational overhead, fees for experts or consultants, legal costs or expenses, including attorney's fees, claims against the city arising as a consequence of the public nuisance, clerical and administrative costs, and procedures associated with collecting moneys due hereunder.
- B. Upon completion of the abatement work, the code enforcement official shall prepare a report specifying the work done, the itemized costs of the work necessary to abate the public nuisance, a description of the property involved, and the names and addresses of the persons entitled to notice pursuant to section 8.24.080 (Procedures for abatement of public nuisances). Any such report may include costs on any number of properties, whether or not contiguous to each other, and whether or not under the same ownership. The report shall be filed with the city clerk.

(Code 1981, § 8.24.110; Ord. No. 235, § 2(part), 1988)

8.24.120. - Procedure for special assessment.

- A. *Hearing notice.* Within ten days after the filing of the report referred to in section 8.24.110 (Account of abatement costs), the city clerk shall fix a time and place for hearing and passing upon the report. The city clerk shall cause notice of the proposed assessment, as set forth in the report, to be given in the manner and to the persons specified in section 8.24.080 (Procedures for

abatement of public nuisances). Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the city council will hear and pass upon the report, together with any objections or protests which may be raised by any person liable to be assessed for the costs of such abatement. Such notice shall also specify that the property may be sold after three years by the tax collector for unpaid special assessments. (See Government Code § 38773.5.) Notice of the hearing shall be given not less than 15 days prior to the time fixed by the clerk for the hearing, and shall also be published once, at least 15 days prior to the date of the hearing, in a newspaper of general circulation published in the county.

- B. *Protests.* Any interested person may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the code enforcement official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing and shall present such protest to the city council at the time set for hearing.

(Code 1981, § 8.24.120; Ord. No. 235, § 2(part), 1988)

8.24.130. - Hearing on proposed assessment.

Upon the day and hour fixed for the hearing the city council shall consider the report of the code enforcement official, together with any protests which have been filed with the city clerk. The city council may make such revisions, corrections, or modifications in the report as it may deem just, and when the city council is satisfied with the correctness of the assessment, the report and the proposed assessment, as submitted, or as revised, corrected, or modified, shall be confirmed by resolution. The decision of the city council on the report and the assessment and on all protests shall be final and conclusive. The city council may continue the hearing from time to time as it deems necessary.

(Code 1981, § 8.24.130; Ord. No. 235, § 2(part), 1988)

8.24.140. - Contest of assessment.

The validity of any assessment levied under the provisions of this chapter shall not be contested in any action or proceeding unless such action or proceeding is commenced within 30 days after the assessment is confirmed by resolution of the city council.

(Code 1981, § 8.24.140; Ord. No. 235, § 2(part), 1988)

8.24.150. - Notice of lien—Form and contents.

- A. *Notice of lien.* Immediately upon confirmation of the assessment by the city council, the finance director shall execute and file in the office of the county recorder a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the code enforcement official by the provisions of title 8, chapter 8.24 of the Rancho Palos Verdes Municipal Code, the code enforcement official on or about the ____ day of _____, 20____, caused the abatement of a nuisance on real property, and the city council of the City of Rancho Palos Verdes, on the ____ day of _____, 20____, assessed the costs of such abatement upon said real property, and the same has not been paid nor any part thereof, and the City of Rancho Palos Verdes does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$____, and this amount shall be a lien upon said real property until the sum of _____, with interest at the rate of six per annum from _____, 20____, 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 in the City of Rancho Palos Verdes, County of Los Angeles, State of California, and more particularly described as follows:

(DESCRIPTION)

Dated: this ____ day of _____, 20____.

	_____ FINANCE DIRECTOR OF THE CITY OF RANCHO PALOS VERDES
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(ACKNOWLEDGEMENT)

- B. *Recordation.* Immediately upon the recording of the notice of lien, the assessment shall constitute a lien on the real property assessed.

(Code 1981, § 8.24.150; Ord. No. 235, § 2(part), 1988)

8.24.160. - Procedures for collection with regular taxes.

- A. *Assessment book.* The notice of lien, after recording, shall be delivered to the auditor of the county, who shall enter the amount on the county assessment book opposite the description of the particular property, and the amount shall be collected together with all other taxes against the property.
- B.

Collection. The amount set forth in the notice of lien shall thereafter be collected at the same time and in the same manner as ordinary city taxes are collected and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency to the levy, collection and enforcement of city taxes are made applicable to such assessment.

- C. *Refunds.* The city council may order a refund of all or part of the assessment paid pursuant to this chapter if it finds that all or part of the assessment was erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with a city clerk within six months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

(Code 1981, § 8.24.160; Ord. No. 235, § 2(part), 1988)

8.24.170. - Remedies of private parties.

The provisions of this chapter shall in no manner adversely affect the right of the owner, lessee, or occupant of any such property to recover all costs and expenses imposed by this chapter from any person responsible for creating or maintaining the public nuisance.

(Code 1981, § 8.24.170; Ord. No. 235, § 2(part), 1988)

8.24.180. - Right of entry.

- A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the code enforcement official has reasonable cause to believe that there exists in any building or upon any property any unlawful condition of prohibited activity which makes such building or property unsafe, dangerous or hazardous, the code enforcement official may enter such building or property at all reasonable times to inspect the same or to perform any duty imposed upon the code enforcement official by this chapter; provided, however, that if such building or property is occupied, the code enforcement official shall first present proper credentials and request entry; and if such building or property is unoccupied, the code enforcement official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or property and request entry. If such entry is refused, the code enforcement official shall have recourse to every remedy provided by law to secure entry.
- B. It shall be unlawful for any person, including an owner, agent of the owner, lessee, or anyone in possession of any property within the city to refuse to allow the code enforcement official, or a contractor engaged by the city, to enter upon the property at any time during the hours of daylight for the purpose of the abatement of a public nuisance or to obstruct, impede or interfere in any manner with the code enforcement official, or a contractor engaged by the city, in any work undertaken pursuant to the provisions of this chapter.

(Code 1981, § 8.24.180; Ord. No. 235, § 2(part), 1988)

8.24.190. - Penalty for violation.

Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor and, upon conviction therefor, shall be punishable as provided for in chapter 1.08 (General penalty). All remedies set forth herein are cumulative, and the use of any one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter or this Code.

(Code 1981, § 8.24.190; Ord. No. 235, § 2(part), 1988; Ord. No. 570, § 7, 7-7-2015)

Chapter 8.48
NUISANCES, GENERAL

Sections:

hits First Hit Prev Hit Next Hit Pre

- 8.48.010 Purposes.**
- 8.48.015 Public nuisances designated.**
- 8.48.020 Abatement of nuisance.**
- 8.48.030 Responsibility for abatement.**
- 8.48.040 Notice of hearings for nuisance abatement.**
- 8.48.050 Hearing procedure.**
- 8.48.060 Compliance with abatement order.**
- 8.48.070 City expenses – Record of costs and recovery of attorneys’ fees.**
- 8.48.080 Hearing on the cost of abatement.**
- 8.48.090 Nuisance abatement lien and special assessment procedures.**
- 8.48.100 Graffiti abatement charges.**
- 8.48.110 Order for treble costs of abatement.**
- 8.48.120 Judicial remedies.**
- 8.48.130 Emergency abatement.**

Prior legislation: Ords. 536 and 692.

8.48.010 Purposes.

A. In order to further the stated goals of the city and to protect its citizens and their property from conditions which are offensive or annoying to the senses, detrimental to property values and community appearance or hazardous or injurious to the health, safety or welfare of the general public, the city council has determined that this chapter is necessary to effectively abate or prevent the development of such conditions in the city.

B. It is the intention of the city council in adopting this chapter to set forth guidelines for determining what conditions constitute a public **nuisance**; to establish a method for giving notice of the conditions and an opportunity to correct them; to ensure that public nuisances on public and private property are abated efficiently and expeditiously; and finally, in the event a public **nuisance** on private property is not abated or corrected, to provide a procedure for a hearing and determination of the facts and manner in which the conditions shall be corrected or removed.

C. It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to any other remedy available at law, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds, debris, abandoned vehicles, machinery or equipment, or are a menace or hazard to life, limb, safety, health, morals, property values, aesthetic standards or the general welfare of the city may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.

D. In addition to the abatement procedures provided herein, this chapter declares certain conditions to be public nuisances and that maintenance of such conditions shall be a misdemeanor.

E. This chapter is not intended to enforce conditions, covenants and restrictions (CC&Rs) on property, or to supersede them. This chapter will be enforced uniformly within the city regardless of CC&Rs. Therefore, this chapter does not abrogate the right of any homeowners’ association or private citizen to take actions, legal or as otherwise provided in the CC&Rs, to force compliance with the CC&Rs applicable

to the tract or association even though the CC&R provisions may be the same, more restrictive or may not be covered by this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.015 Public nuisances designated.

It is unlawful, and it is declared to be a public **nuisance**, for any of the following conditions to be allowed to exist on any property within the city, public or private:

A. Any violation of any provision of PVEMC Title [8](#), [12](#), [15](#), [17](#), [18](#), or [19](#).

B. Land, the topography or configuration of which, in any manmade state, whether as a result of grading operations, excavations, fill, or other alteration, interferes with the establishe **hits** **First Hit** **Prev Hit** **Next Hit** **Pre** property or from adjoining or other properties which does or may result in erosion, subsidence or surface water drainage programs of such magnitude as to be injurious to public health, safety and welfare or to neighboring properties.

C. Buildings or structures which are partially destroyed, abandoned or permitted to remain in a state of partial construction without any substantial construction activity taking place for more than six months after the issuance of a building permit.

D. The failure to secure and maintain from public access all doorways, windows and other openings into vacant or abandoned buildings or structures.

E. Painted buildings and walls, retaining walls, fences or structures that require repainting, or buildings, walls, fences or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation.

F. Broken windows.

G. Any overgrown, dead, decayed, diseased or hazardous tree, weeds, vegetation or debris which:

1. May harbor rats, vermin or other disease carriers;

2. Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic;

3. Creates a dangerous condition or constitutes an attractive **nuisance**;

4. Is detrimental to the appearance of the neighboring properties or substantially detracts from the appearance of the immediate neighborhood or reduces or has the potential to reduce the property values in the immediate neighborhood; or

5. Constitutes a fire hazard.

H. Building exterior, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways which are maintained in such condition so as to become defective, unsightly or no longer viable.

I. The accumulation of dirt, litter, feces, or debris in doorways, adjoining sidewalks, parking lots, landscaped or other areas.

J. Lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broken or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap metals, machinery parts, or other such material stored or deposited on property such that they are visible from a public street, alley or neighboring property.

K. Deteriorated parking lots or driveways, including those containing potholes or cracks large enough to pose a hazard to pedestrians or to detract from the appearance of the immediate neighborhood.

L. Abandoned, broken or neglected equipment and machinery, pools, ponds, excavations, abandoned wells, shafts, basements or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles (i.e., any mobile vehicle or trailer which is inoperable or in storage, except as permitted under Chapter [8.40](#) PVEMC, visible from the street or an adjacent property), any unsound structures, skateboard ramps, or accumulated lumber, trash, garbage, debris or vegetation which may reasonably attract children or others to such abandoned or neglected conditions.

M. Construction equipment, buses, tow trucks, dump trucks, flatbed trucks, grading equipment, tractors, tractor trailers, truck trailers, or any other commercial vehicle over twenty-five feet long or eight feet in height or ninety inches wide, supplies, materials, or machinery of any type or **hits** First Hit Prev Hit Next Hit Pre stored upon any street or property within a residential zone. "Commercial vehicle," for the purposes of this section, shall be defined as any motorized or nonmotorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation. Any transportation by the person owning, leasing, occupying or having charge of any such vehicle shall be excluded from the provisions of this subsection.

N. Construction debris storage bins stored in excess of fifteen days on a public street or any front or side yard setback area without the express approval of the public works director or which fail to have affixed reflectors which satisfy the minimum standards of the department of public works.

O. Unapproved signs or signs improperly maintained which pose a threat to safety or have become unsightly so as to detract from the appearance of the immediate neighborhood.

P. Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark or planted groundcover.

Q. Any condition of vegetation overgrowth which encroaches into, over or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel.

R. Use of parked or stored recreational vehicles, as defined in PVEMC [8.40.030](#), as temporary or permanent living space.

S. Animals, livestock, poultry, bees or reptiles kept, bred or maintained for any purpose and in violation of PVEMC Title [6](#).

T. Any habitation which is overcrowded, as defined by the Uniform Housing Code, or which lacks adequate ventilation, sanitation or plumbing facilities, or which constitutes a fire hazard.

U. Any other condition declared by any state, county or city statute, code or regulation to be a public **nuisance**.

V. Trailers, campers, boats or motor vehicles present on vacant property or in any yard of developed lots except as may be permitted pursuant to Chapter [8.40](#) PVEMC. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.020 Abatement of **nuisance.**

All or any part of a use or the condition of any property, including, without limitation, any use or improvement found to constitute a public **nuisance**, will be abated by rehabilitation, demolition, repair, cessation of use or a combination thereof, or in such other manner as designated in a **nuisance** abatement order, which is reasonably required to abate the public **nuisance**, pursuant to the procedures set forth in this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.030 Responsibility for abatement.

Whenever the city manager, or designee, reasonably believes a public **nuisance** exists, the city manager, or designee, may commence abatement proceedings under this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.040 Notice of hearings for nuisance abatement.

A. Notices. To initiate abatement proceedings, the city manager, or designee, will cause written notice to be mailed and conspicuously posted on the property containing a nuisance. Notice will be titled in letters at least one inch in height and read substantially as follows:

Notice of Public Nuisance Hearing

On _____, 20____, the City Council of the City of Palos Verdes Estates will hold a public hearing to determine whether this property known and designated as _____, constitutes a public nuisance. If this property is found to constitute a public nuisance as defined by the Palos Verdes Estates Municipal Code ("PVMC"), and if the public nuisance is not promptly abated by the responsible hits First Hit Prev Hit Next Hit Pre hearing officer, then the City will abate the nuisance. If the City abates the nuisance, the cost of these proceedings, all previous code enforcement efforts concerning this condition of the property, and the cleaning, clearing, rehabilitation, repair, or demolition by the City will constitute a special assessment and a Nuisance Abatement Lien upon such land until paid. The City may foreclose on any such lien in order to reimburse the City for these costs.

The alleged violations consist of the following: _____

The methods of abatement available are: _____

All persons having any objection to, or interest in, said matters should attend the City Council hearing to be held in the Council Chamber at Palos Verdes Estates City Hall, located at 340 Palos Verdes Drive West, Palos Verdes Estates, California, on _____, at the hour of ____ a.m./p.m., or as soon thereafter as the matter may be heard, when their testimony and evidence will be heard and given due consideration.

Dated: _____

City Manager

B. Mailing/Posting. Notice of the hearing will be served by posting on the subject property in a conspicuous location and by registered or certified mail (postage fully prepaid) addressed to the owner of the property at the address appearing on the last equalized assessment roll or the supplemental roll, whichever is more current before the hearing notice is mailed. The notice will be posted on the property and mailed at least fifteen days before the hearing date. Proof of posting and mailing will be by declaration. Failure of any person to receive the notice will not affect the validity of any provision set forth in this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.050 Hearing procedure.

A. The hearing will be conducted by the city council. At the time set for such hearing, the city council will conduct a hearing to determine, based upon the evidence presented, whether a public nuisance exists on the subject property. At the hearing, the city council will accept evidence from any person if such evidence bears on the issue of whether a public nuisance exists on the subject property. The city council is authorized to take testimony and is authorized to administer oaths or affirmations under Cal. Civ. Proc. Code § 2093(a). Based upon the evidence submitted, including, without limitation, any written staff reports regarding the alleged nuisance, the city council will determine whether or not a public nuisance exists on the subject property. If a public nuisance is found to exist, the city council shall issue an order requiring abatement of the public nuisance within a reasonable time and manner as set forth in the order.

B. The city council's decision shall be by resolution, which shall contain the informal findings of the council upon which the determination of nuisance is based, an order requiring abatement of the nuisance, a description of the actions necessary to abate the nuisance, and a deadline for completion of the nuisance abatement activities. The city council's decision is final. Any property owner shall have the right to have the nuisance, as declared, abated, provided the same is completed prior to the expiration of the period of time set forth in said resolution. The time set for abatement, upon good cause shown, may be extended for a reasonable time by the council. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.060 Compliance with abatement order.

At no cost to the city, the responsible person will comply with all of the provisions of an abatement order. If the responsible person fails, for any reason, to comply with an abatement order within the time required in the order, the city manager, or designee, will cause the **nuisance** described in the abatement order to be abated by city forces or by private contractor. The city attorney is authorized to take such action as needed to gain entry upon the property where the public **nuisance** exists for purposes of abating a public **nuisance**. Upon obtaining an abatement warrant, the city manager, or designee, is expressly authorized to allow city forces or a private contractor to enter upon the premises for the purpose of abating the **nuisance** in the manner herein provided and consistent with the terms of the abatement warrant. (Ord. 701 § 2 (Exh. 1), 2012)

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8.48.070 City expenses – Record of costs and recovery of attorneys’ fees.

A. The city manager or designee will keep an account of the costs, including incidental expenses, of abating the **nuisance** on each separate lot or parcel of land where the work is done. The term “incidental expenses” includes but is not limited to the actual expenses and costs of the city in preparation of notices, specifications and contracts, inspection of the work, and the cost of printing and mailing required under this chapter, and any attorneys’ fees expended in the abatement of the **nuisance**, through civil action or otherwise. The city attorney shall be responsible for keeping an accounting of attorneys’ fees and costs and transmitting the same to the manager.

B. In any action, administrative proceeding or special proceeding to abate a **nuisance** brought pursuant to this code, the prevailing party may recover attorneys’ fees. The recovery of attorneys’ fees by the prevailing party is limited to those individual actions or proceedings in which the city elects, at the initiation of that 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. 712 § 1, 2014; Ord. 701 § 2 (Exh. 1), 2012)

8.48.080 Hearing on the cost of abatement.

A. The city manager or designee will give notice of the cost of abatement by registered or certified mail (postage fully prepaid) addressed to the owner of the property at the address appearing on the last equalized assessment roll or the supplemental roll, whichever is more current before mailing of the cost notice. The cost notice will include a statement of the hearing rights of the property owner concerning the cost of abatement. If, within fifteen days after the mailing of the cost notice, the property owner requests a hearing on the issue of the cost of the abatement, a hearing on the matter will be scheduled before the city council.

B. Notice of the hearing will be mailed at least ten days before the hearing by registered or certified mail to the property owner. The city council may, by resolution, either confirm the cost of abatement or modify such amount. The decision of the city council is final. The city manager or designee will give notice of the council’s decision on the cost of abatement by registered or certified mail to the property owner. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.090 **Nuisance abatement lien and special assessment procedures.**

A. Lien. Pursuant to Cal. Gov. Code §§ 38773, 38773.1, and 38773.5, and any successor statutes, persons failing to abate a public **nuisance** as ordered pursuant to this chapter will be obligated to pay all city expenses of abating the **nuisance** and all administrative costs associated therewith.

A **nuisance** abatement lien in favor of the city for such expenses will be created and recorded pursuant to this section against the property on which the **nuisance** is maintained. The notice of lien for recordation shall be in a form substantially as follows:

NOTICE OF LIEN

Claim of the City of Palos Verdes Estates

Pursuant to Chapter 8.48 of the Palos Verdes Estates Municipal Code, the property hereinafter described was lawfully declared a public **nuisance** by resolution of the City Council of the City of Palos Verdes Estates

dated _____, 2____. The City has since caused the **nuisance** to be abated. The City Council, on the ____ day of _____, 2____, assessed the cost of such abatement upon the property and the same has not been paid nor any part thereof. The City of Palos Verdes Estates does hereby claim a lien for such abatement in the amount of \$_____, and the same shall be a lien upon the real property until 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 entirely within the City of Palos Verdes Estates, County of Los Angeles, State of California, particularly described as follows:

[legal description]

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Dated: This ____ day of _____, 2____.

B. Notice of Proposed Recordings. An itemized notice of the lien amount and proposed recording will be sent by certified mail to the property owner of record, based on the last equalized assessment roll or the supplemental roll, whichever is more current, at least ten days before recording the lien. The notice will be served in the same manner as a summons in a civil action in accordance with Cal. Civ. Proc. Code § 415.10 et seq. 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 ten days, and publication thereof in a newspaper of general circulation published in the county in which the property is located.

C. Recording. The city's **nuisance** abatement lien will then be recorded in the Los Angeles County recorder's office and, from the date of recording, will have the force, effect, and priority of a judgment lien.

D. Special Assessment. The city's total costs described in this section may also be collected as a special assessment against the lot or parcel on which the **nuisance** existed. After recordation of the **nuisance** abatement lien the city may provide a copy of the notice of proposed recordation, proof of service, and the recorded lien to the tax collector, and the tax collector will add the described special assessment payments to the next regular tax bill levied against the respective lots or parcels, and the amounts will be collected and subject to the same penalties and the same procedure under foreclosure and sale as in the case of tax delinquencies. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, before the date on which the first installment of the taxes would become delinquent, then the cost of abatement will not result in a lien against the real property but instead will be transferred to the unsecured roll for collection.

E. Satisfaction. In the event that the lien or special assessment is discharged, released, or satisfied, either through payment or foreclosure, a notice of the discharge containing the information specified in the lien will be recorded by the city.

F. Fees. Any fees incurred by the city for processing, recording of the lien and providing notice to the property owner may be recovered by the city as part of its foreclosure action to enforce the lien. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.100 Graffiti abatement charges.

A. The abatement and related administrative costs incurred by the city in abating any **nuisance** resulting from the defacement of private or public property by graffiti or any other inscribed material shall be:

1. A personal obligation of any minor creating, causing or committing the **nuisance**; and/or
2. A personal obligation of the parent or guardian having custody and control of that minor; and/or
3. A special assessment against any parcel of land owned by that minor; and/or
4. A special assessment against any parcel of land owned by the parent or guardian having custody and control of that minor.

B. The procedures for determining, imposing, and collecting a special assessment pursuant to subsection A of this section shall be those set forth in this chapter.

C. For purposes of this section, the following terms shall have the meanings set forth in this subsection:

"Abatement and related administrative costs" include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city in identifying and apprehending the minor.

"Graffiti or other inscribed material" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any real or personal property. [hits](#) [First Hit](#) [Prev Hit](#) [Next Hit](#) [Prev](#)

"Minor" means a minor who has confessed to, admitted to, or pleaded guilty or nolo contendere to a violation of Cal. Pen. Code § [594](#), [594.3](#), [640.5](#), [640.6](#) or [640.7](#), or a minor convicted by final judgment of a violation of Cal. Pen. Code § [594](#), [594.3](#), [640.5](#), [640.6](#) or [640.7](#), or a minor declared a ward of the juvenile court pursuant to Cal. Welf. & Inst. Code § [602](#) by reason of the commission of an act prohibited by Cal. Pen. Code § [594](#), [594.3](#), [640.5](#), [640.6](#) or [640.7](#).

D. This section shall not be deemed to preclude recovery of the costs of abating a [nuisance](#) resulting from graffiti from any other person who may be responsible for such costs under law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 692 § 1, 2009; Ord. 585 § 1, 1995; Ord. 536 § 1, 1991)

8.48.110 Order for treble costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except conditions abated pursuant to Cal. Health & Saf. Code § 17980, the court may order the owner to pay treble the costs of the abatement. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.120 Judicial remedies.

A. Nothing in this chapter will be deemed to prevent the city attorney from:

1. Commencing a civil action in the superior court to enforce all or any of the provisions of any abatement order;
2. Commencing a civil action to abate a public [nuisance](#) as an alternative to or in conjunction with an administrative proceeding pursuant to this chapter;
3. Filing a civil action to recover the amount of a confirmed accounting from an owner or occupant of the lot to which it relates; or
4. Filing a criminal action to enforce this code.

B. Where a civil action is filed, if the court issues an order or a judgment which finds a public [nuisance](#) to exist, and orders or approves the abatement of the public [nuisance](#), or where the court validates an accounting, the court will also award the city its actual costs of abatement, including, without limitation, reasonable attorney's fees incurred by the city in such judicial proceeding. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.130 Emergency abatement.

Notwithstanding any other provision of this code, whenever the city manager, or designee, determines that a public [nuisance](#), as defined in this chapter, or in any other applicable law, exists upon a lot, and that such public [nuisance](#) constitutes an immediate threat or hazard or danger to persons or property, the city manager, without observing procedures set forth in this chapter with reference to public [nuisance](#) abatement, will forthwith immediately cause the abatement of such public [nuisance](#) in such manner as the city manager, or designee, determines is reasonably required. If the city manager, or designee, deems it feasible, the city manager, or designee, will attempt to give the owner and occupant verbal notice of the existence of the public [nuisance](#), and the proposed timing and method of

abatement thereof. The city manager will, forthwith, report such circumstances to the city council. Where such abatement is ordered by the city manager, the person abating such **nuisance** will, after completing the abatement of the public **nuisance**, comply with the provisions of this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

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Title 6. Health and Sanitation

Chapter 6.14. NUISANCES, GENERAL

Article I. Public Nuisance

§ 6.14.001. Purposes.

- A. In order to further the stated goals of the City and to protect its citizens and their property from conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, or hazardous or injurious to the health, safety or welfare of the general public, the City Council has determined that this chapter pertaining to nuisance abatement is necessary to effectively abate or prevent the development of such conditions in the City of Lake Forest.
- B. It is the intention of the City Council, in adopting the chapter codified herein, to set forth guidelines for determining what conditions constitute a public nuisance; to establish methods for giving notice of the conditions and an opportunity to correct them; and finally, in the event the public nuisance is not abated or corrected voluntarily or through alternative enforcement means, to provide a procedure for a hearing and determination of the facts and manner in which the conditions shall be corrected or removed.
- C. It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to any other remedy available at law or equity, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds, debris, abandoned vehicles, machinery or equipment, or are a menace, or hazard to life, limb, safety, health, morals, property values, aesthetic standards, or the general welfare of the City, may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.
- D. It is the purpose of this chapter to provide a program for removal of graffiti from walls and structures on both public and private property and to provide regulations designed to prevent and control the further spread of graffiti within the City.
- E. It is the purpose of this chapter to provide a program for the removal and/or abatement as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.
- F. In addition to the abatement procedures provided herein, this chapter declares certain conditions to be public nuisances and that maintenance of such conditions shall be a misdemeanor.
- G. This chapter is not intended to enforce conditions, covenants and restrictions ("CC&Rs") on property, nor to supersede them. This chapter will be enforced uniformly within the City regardless of CC&Rs. Therefore, this chapter does not abrogate the right of any homeowner's association or private citizen to take action, legal or as otherwise provided in the CC&Rs, to force compliance with the CC&Rs applicable to their tract or association even though the CC&R provisions may be the same, more restrictive, or may not be covered by this chapter.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.002. Public nuisances designated.

It is unlawful and declared to be a public nuisance for any person owning, leasing, occupying, or having charge or possession of any property within the City, to cause, permit, allow, or maintain the property in such a manner that any of the following conditions are found to exist thereon:

- A. Any violation of any section of the Lake Forest Municipal Code, including any code adopted by reference.
- B. Buildings or structures which are partially destroyed, boarded up, abandoned or permitted to remain in a state of partial construction for more than six months, and any period of extension, after the expiration of a building permit.
- C. Land, the topography or configuration of which, in any man-made state, whether as a result of grading operations, excavations, fill, or other alteration, interferes with the City-approved drainage pattern over the property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage programs of such magnitude as to be injurious to public health, safety, and welfare or to neighboring properties.
- D. Failure to secure and prevent access by unauthorized persons to vacant or abandoned property and/or structures.
- E. The keeping, placement, or deposit on sidewalks, parking lots, landscaped or other private outdoor areas visible to the public right-of-way, of any of the following:
 - 1. Debris, junk, lumber, or trash.
 - 2. Abandoned, disregarded, or unused objects or equipment (e.g., refrigerators or other appliances, motor vehicle parts, any unsound structure, skateboard ramps, accumulated lumber, debris, trash, garbage).
 - 3. Any conditions in this section which may be an attractive nuisance and dangerous to children.
- F. Any swimming pool, pond, spa, abandoned well, or other body of water, that is stagnant, abandoned, unattended, or unfiltered.
- G. Hoarding and/or hoarding conditions either in the interior or the exterior of a property.
- H. Except where construction is occurring under a valid permit, the storage or parking of the following, visible from the public right-of-way, upon any property exterior within a residential zone: construction equipment, machinery, grading equipment, or supplies and materials of any type or description.
- I. The parking, placement, or storage of any commercial vehicle over 22 feet long or seven feet tall or 90 inches wide on residential property, including, but not limited to: buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers.
- J. Use of commercial bins for single-family residential uses, except for the temporary purpose of renovation, demolition, and construction activities.
- K. Commercial shipping containers and other such commercial storage containers placed on a residential property for more than 14 consecutive days. Notwithstanding the foregoing, a container for the collection and disposal of construction and demolition debris may temporarily be stored on a Code-compliant paved driveway for a maximum of 90 days and only in conjunction with an active building permit.
- L. Commercial bins stored in excess of 15 days on a public street or any front or side yard setback area without the express written approval of the Director of Community Development or the City Engineer.

- M. Any property with accumulations of grease, oil, or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls, or fences, or from which any such material flows or seeps onto any public street or other public or private property.
- N. Except as otherwise authorized by a permit issued by the Director of Community Development or the City Engineer, the placing, depositing, or dumping of rocks, dirt, or waste materials on any of the following: public or private roads, including their right-of-way, private property accessible to the public via easement or license, private property without the owner's consent, public parks or any other public property not designated for such use by the City Council or other applicable governing authority.
- O. Trailers, campers, boats, or motor vehicles parked or stored on vacant property or in front yards of developed lots, other than on a Code-compliant and paved driveway.
- P. Parking, storing, or maintaining upon any residential property any abandoned, wrecked, dismantled, or inoperable vehicle, where the vehicle is visible from the public right-of-way. Notwithstanding the foregoing, inoperative vehicles may be stored on private residential property in the following ways:
 - 1. Enclosed completely within a garage where it is not visible from the street or other public or private property when the garage is closed; or
 - 2. A screened paved surface that is not within the required building setback area abutting a public street excluding alleys. The screening shall consist of a minimum six-foot tall permanent, solid, opaque fence or wall. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls.
- Q. The storing or parking of a vehicle, including a recreational vehicle, on private property where the vehicle is connected to utilities such as electrical, gas, water, and sewage. The foregoing does not apply to any of the following:
 - 1. A vehicle parked for no more than 48 hours in connection with emergency repairs.
 - 2. The charging of an electric vehicle.
 - 3. Connections to utilities that the vehicle's owner lawfully has access to for any 72-hour period immediately preceding or following the use of a recreational vehicle for its intended purpose off site. For purposes of this subsection, "intended purpose" means an off-site trip with the primary intention of recreation, sightseeing, or touristic activities.
- R. Occupancy.
 - 1. Habitable structures failing to provide and maintain light, ventilation, and space conditions in compliance with the requirements set forth in the **California Building Code** and California Residential Code.
 - 2. Garages, kitchens, and other non-habitable spaces used for sleeping purposes, or as any other habitable space.
 - 3. Any structure, or portions thereof, occupied for cooking, dining, living, or sleeping that was not permitted by the City to be used for occupancy in compliance with local and State law, including the **California Building Code**.
 - 4. In residential properties containing two or more bedrooms, a condition such that a bedroom constitutes the only means of access to other bedrooms or habitable spaces, and/or is the only means of egress from other habitable spaces.
 - 5. Any habitation which is overcrowded, as defined by the Uniform Housing Code and/or any local amendments thereto adopted by the City, or which lacks adequate ventilation, sanitation, or plumbing facilities, or which constitutes a fire hazard.
- S. Fire.

1. Absent, unsafe, or obstructed continuous path of travel from any point in a building or structure to the public way. Means of egress shall comply with the California Fire Code.
2. Non-operational, defective, or absent fire protection, detection, and life safety systems required by the California Fire Code or California Residential Code.

T. Animals.

1. The keeping of bees or any livestock as defined in Section **10.04.010** of this Code on any residential property. Notwithstanding the foregoing, hens are permitted and shall be limited to a maximum of four per property.
2. Any "pest breeding hazard," as that term is defined in Section **6.28.010** of this Code.

U. Any noise in violation of the provisions of Chapter **11.16** (Noise Control) of this Code.

V. Any business or other activity not consistent with all the terms and conditions of all applicable zoning approvals and approved plans granted by the City.

W. Construction of a building or structure, or establishment of any land use, not approved by the City.

X. Any other conditions declared by any State, County, or City statute, Code, or regulation to be a public nuisance.

(Ord. 171 § 1, 2007; Ord. 225 § 2, 2011; Ord. 294 § 2, 2017; Ord. 359 § 5, 2023; Ord. 365, 4/16/2024)

§ 6.14.003. Responsibility for commencement of abatement proceedings.

Whenever the Director of Community Development or designee (hereinafter, "Director") reasonably believes a public nuisance exists, he or she may commence abatement proceedings. The Director shall have responsibility for administering and enforcing this chapter, abating such nuisances on any private property, and causing a written notice to be issued to abate such nuisance.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.004. Method of service.

A. Where any provision of this section requires the service of any document, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by first-class mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at his or her last known business or residence address as it appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail is deemed to have been completed at the time of deposit in the mail.

B. Failure of any person to receive a notice shall not affect the validity of any proceedings under this chapter.

(Ord. 359 § 5, 2023)

§ 6.14.005. Voluntary abatement.

The responsible party may abate a nuisance at any time by rehabilitation, repair, removal or demolition. The Director must be advised of the abatement so the Director may inspect the premises to ensure that the nuisance has in fact been abated.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.006. Notice to abate.

- A. When the Director determines that a violation of any provision of this chapter is occurring or exists, he or she may issue a written notice to any person responsible for the violation. Any notice to abate issued pursuant to this section must contain the following information:
 - 1. The date and location of the violation;
 - 2. The Code section violated and a description of the violation;
 - 3. A description of actions required to correct the violation;
 - 4. A reasonable compliance period in which to complete the nuisance abatement actions (with all required City approvals, permits and inspections, when applicable);
 - 5. An explanation of the potential consequences of noncompliance with the notice; and
 - 6. A statement of the period and manner in which an aggrieved party may contest the notice to abate as set forth in Section **6.14.007**.
- B. When the Director intends to abate a public nuisance by demolition of a building or structure, the City must comply with the following additional requirements:
 - 1. The notice to abate must contain a statement that the City intends to abate the nuisance with City personnel or contractors by demolition of a building or structure if the nuisance conditions are not repaired, rehabilitated, removed, terminated, or demolished within the compliance deadline;
 - 2. The City shall serve the notice to abate on all secured lienholders of record with the Orange County Recorder's Office.
- C. The notice to abate must be served on each responsible party in the manner required under Section **6.14.004**.
- D. The provisions of this section do not apply in cases involving emergency abatement.
(Ord. 359 § 5, 2023)

§ 6.14.007. Right to appeal a notice to abate.

- A. An aggrieved party may contest a notice to abate by filing a written request for an appeal with the City Clerk's office within 10 calendar days of service of the notice to abate. For the purposes of this chapter, "aggrieved party" means any person whose personal, pecuniary or property right or interest is directly and adversely affected, or upon whom a substantial burden or obligation is imposed by the action or decision appealed from.
- B. A written request for an appeal must contain the following information:
 - 1. Name, address, and telephone number of each responsible person who is appealing the compliance order (hereinafter, "appellant");
 - 2. Address of the real property;
 - 3. Date of notice being appealed;
 - 4. The specific action, decision, or issue being appealed;
 - 5. Grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy; and
 - 6. The signature of the appellant.
- C. Failure of the appellant to file a timely, proper appeal is a waiver of the right to appeal the compliance order or other notice issued under this chapter and is a waiver of the right to seek judicial review. In this event, the notice to abate is final and binding.

(Ord. 359 § 5, 2023)

§ 6.14.008. Hearing procedures.

- A. The hearing on an appeal of a notice issued under this chapter will be conducted by a hearing officer in accordance with the procedures set forth in Chapter **1.12** of this Code.
- B. At the hearing, the hearing officer will consider all relevant evidence from the City and appellant. The City bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a notice to abate constitutes prima facie evidence of the existence of a violation. Based upon the evidence so presented, the hearing officer must determine whether a public nuisance within the meaning of this chapter exists.
- C. If the appellant fails to appear, the hearing officer may cancel the hearing. A cancellation of a hearing due to non-appearance of the appellant constitutes the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the notice to abate is final and binding.
- D. Where an appeal is filed as provided in this chapter, the compliance deadline set forth in the notice to abate is suspended pending the review of the determination by the hearing officer in the manner set forth in this chapter.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.009. Notice of decision.

- A. The decision of the hearing officer is final and conclusive.
- B. The hearing officer must, within five working days, send a copy of the written notice of decision to the appellant and City determining whether any nuisance condition exists at the subject property. If the hearing officer determines that each nuisance condition described in the notice to abate is nonexistent, the notice to abate is deemed cancelled. If a public nuisance is determined to exist, then the hearing officer must issue a written notice of decision that contains the following:
 - 1. A finding and description of each nuisance condition existing at the subject property;
 - 2. The required corrective action for each unabated nuisance condition;
 - 3. An order to complete the required corrective action, including a compliance deadline;
 - 4. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal;
 - 5. A statement that if the nuisance is not abated, it may be removed and abated by the City; and
 - 6. The 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** Section 1094.6 et seq."
- C. The administrative order of the hearing officer is conclusive and is the final administrative decision of the City regarding the notice to abate. The notice of decision must be served in the manner required under Section **6.14.004**.

(Ord. 359 § 5, 2023)

§ 6.14.010. Abatement of nuisance by City.

If the nuisance is not completely abated by the date specified in the notice to abate or in the hearing officer's order in the event of an appeal, then the Director may immediately cause the same to be

abated by City personnel or under private contract. The City and its agents are expressly authorized to enter the premises for this purpose. A warrant or other order issued by a court of competent jurisdiction must be obtained before any entry if the nuisance cannot be inspected or abated without an intrusion into privacy.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.011. Emergency abatement of nuisance by City.

- A. Notwithstanding any other provision of this chapter with reference to the abatement of public nuisance, the Director has the authority to immediately cause the abatement of any public nuisance if it is determined that the nuisance presents an immediate threat to public health or safety, or an imminent hazard to real or personal property, in his or her sole discretion. Any such abatement activity may be conducted without observance of any notice requirements described in this chapter. The City is entitled to recover all abatement costs incurred in the abatement of an imminent threat or hazard as set forth in this chapter.
- B. Within 10 business days, or as soon as reasonably possible under the circumstances, following any summary abatement action by the City to abate an immediate threat to public health or safety, or imminent hazard to real or personal property, the City must provide the owner and any other responsible party with a notice of summary abatement.
- C. The notice of summary abatement must be served in accordance with Section **6.14.004** and contain the following information:
 - 1. A brief description of the condition and reasons why it constituted an imminent threat or hazard;
 - 2. A brief description of the law prohibiting or pertaining to the imminent threat or hazard;
 - 3. A brief description of the actions the City took to abate the imminent threat or hazard; and
 - 4. A statement of the period and manner in which an aggrieved party may contest the notice.
- D. An aggrieved party may appeal the notice in accordance with the procedures set forth in Section **6.14.007** and Chapter **1.12**, except that scope of the appeal is limited to whether the public nuisance constituted an imminent threat or hazard.

(Ord. 359 § 5, 2023)

§ 6.14.012. Notice of abatement costs.

- A. The owner of the premises and any other responsible party shall be liable to the City for all costs incurred by the City in abating a public nuisance or seeking to abate a public nuisance. City personnel must keep an account of all costs, including incidental expenses, incurred by the City in connection with the abatement of a public nuisance by City personnel or private contract. For the purposes of this section, the terms "costs" and "incidental costs" include, but are not limited to, to the actual expenses and costs of the City in preparation of notices, specifications, and contracts, inspection of the work, and the cost of printing and mailings required under this chapter, and any attorney fees expended in the abatement of the nuisance, through civil action or otherwise.
- B. The City must serve a written, itemized report of the nuisance abatement costs upon each person with a recorded interest in the subject property and any other responsible party providing notice of the costs and demanding payment. The notice of abatement costs must contain the following:
 - 1. A demand for timely, full payment of the costs to the City within 45 calendar days of the date of service;
 - 2. A statement that any unpaid amounts may become a lien and special assessment against the property; and

3. A statement that the person so charged may file an appeal with the City Clerk within 10 days as set forth in Section **1.12.060**.
- C. The person so charged may file an appeal with the City Clerk as set forth in Chapter **1.12**. If the notice of abatement costs is appealed, the same procedures as specified in Chapter **1.12** apply, except that scope of the appeal is limited to the appropriateness of the amount of the abatement costs, and the hearing officer's decision may only confirm, discharge or modify the amount of costs. The confirmed abatement costs must be tendered to the City within 30 calendar days of the date of service of the hearing officer's decision. The City may thereafter proceed to collect its abatement costs in any manner allowed by law. The failure of any person who has been properly served with notice pursuant to this section is a waiver of the right to contest the report, a waiver of the right to a hearing, a failure to exhaust administrative remedies, and a bar to any further challenge to the City's invoice and nuisance abatement costs.
(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.013. Collection of costs as nuisance abatement lien.

- A. Pursuant to Section 38773.1 of the **Government Code**, the City may recover its abatement and related administrative costs by a nuisance abatement lien against the property on which the nuisance was abated. If the nuisance abatement costs are upheld, in full or in part, by the hearing officer, or if the time for requesting a hearing has elapsed and the itemized report of abatement costs has not been paid in full within the time designated by this chapter, then the City may record a lien against the nuisance property for any unpaid amount.
- B. Before recording a lien, the City must serve notice of the lien in the manner required under Section **6.14.004** on all persons with a recorded interest in the subject property. In addition, the owner of record must be served in accordance with **Government Code** Section 38773.1(b).
- C. The nuisance abatement lien must be recorded in the office of the Orange County Recorder; and from the date of recording, the nuisance abatement lien shall have the force, effect, and priority of a judgment lien, and shall continue in effect until discharged by the City. The lien may carry such additional administrative charges as set forth by resolution of the City Council.
- D. The nuisance abatement lien recorded pursuant to this subsection shall identify the City as the agency for whose benefit the lien is established, the amount of the lien, the date of the order for abatement of the nuisance, the address, legal description, and assessor's parcel number of the property on which the lien is imposed, and the name and address of the recorded owner of the property.
- E. The nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. All costs and expenses relating to the processing, recording and enforcement of the abatement lien, including recording fees, noticing costs and attorney fees shall be added to the amount of the lien and shall be secured thereby.
- F. Upon payment or other satisfaction of the abatement lien, a notice of release must be prepared and recorded by the City Clerk.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.014. Collection of costs as special assessment.

- A. As an alternative to any other lien described in this section or authorized by law, pursuant to Section 38773.5 of the **Government Code**, if the nuisance abatement costs are upheld, in full or in part, by the hearing officer, or if the time for requesting a hearing has elapsed and the itemized report of abatement costs has not been paid in full within the time designated by this chapter, the City may levy a special assessment against the real property on which the violation occurred.

- B. Before levying a special assessment, a notice of special assessment must be served upon all persons or entities with a recorded interest in the subject property in the manner required under Section **6.14.004** at the time the assessment is imposed on the owner of the property if the property owner's identity can be determined from the County Assessor's or County Recorder's records, by certified mail not less than 10 days prior to the time set for hearing. In addition, the owner of record must be served in accordance with **Government Code** Section 38773.5. The notice must specify that the property may be sold after three years by the Tax Collector for unpaid delinquent assessments.
- C. The notice of special assessment is entitled to recordation with the Orange County Recorder's office. A copy of the notice of special assessment must be transmitted to the County Tax Assessor and Tax Collector, whereupon the Tax Assessor and Tax Collector shall add the amount of the special assessment on the next regular bill for real estate taxes levied against the property identified in the notice of special assessment. Thereafter, the special assessment 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 and sale in the case of delinquency as provided by law for ordinary municipal taxes. After recordation, the special assessment may be foreclosed on as a lien in the manner and means provided by law.
- (Ord. 359 § 5, 2023)

§ 6.14.015. Owner responsibility.

The owner of any premises within the City has the primary responsibility for keeping said premises free of public nuisances. Tenants and occupants of the premises, for the purposes of this chapter, shall be deemed to be the agents of the owner.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.016. Alternate actions.

Nothing in this chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means or remedies available to it under provisions of applicable ordinances, State law, or equity to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings set forth herein.

(Ord. 171 § 1, 2007; Ord. 359 § 5, 2023)

§ 6.14.017. Definitions.

The following terms used in this chapter shall have the meaning indicated below:

“Commercial bins” means bins provided by a collector, usually three cubic yards or greater in capacity and designed for the deposit of solid waste, including recyclable solid waste and green waste, charged at commercial rates.

“Commercial vehicle” means any motorized or non-motorized vehicle used or maintained to transport property or goods for profit or persons for hire or compensation.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage, garages, utility spaces, and similar areas are not considered habitable spaces.

“Hen” means a female chicken that is not a rooster or cockerel.

“Hoarding” or “hoarding conditions” means the excessive collection or accumulation of items in an unsafe, unsightly, or unsanitary condition. Hoarding often creates such cramped conditions that homes

or yards may be filled to capacity, with only narrow pathways winding through stacks of clutter. Hoarding also includes the hoarding of animals, often resulting in dozens or hundreds of pets being kept in unsanitary conditions.

“Infestation” means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

“Inoperable vehicle” means a vehicle that is:

1. Mechanically incapable of being driven; or
2. Prohibited from being operated on a public street or highway pursuant to the provisions of the California **Vehicle Code** Section 4000, 5202, 24002, or 40001, concerning license plates, registration, equipment, safety, and related matters.

“Residential uses” means lands, buildings, structures, or portions thereof used, designed, or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, and the residential portion of a mixed-use building or structure.

“Vacant property” means any vacant parcel of land, building or structure on real property in any zone in the City where the responsible person has left such property vacant and unoccupied for a period exceeding 30 calendar days.

“Vehicle” shall have the same meaning as Section 670 of the California **Vehicle Code**.
(Ord. 365, 4/16/2024)

Chapter 1.06 VIOLATIONS AND PENALTIES

Sections:

Article I. General Penalty

- 1.06.010 General penalty for code violations.**
- 1.06.020 Continuing violations.**
- 1.06.030 Violation – Notice to appear.**

Article II. Administrative Fines

- 1.06.060 Purpose and applicability.**
- 1.06.070 Definitions.**
- 1.06.080 Administrative citation – General.**
- 1.06.090 Administrative citation – Building violation.**
- 1.06.100 Administrative citation – Form and contents.**
- 1.06.110 Service of administrative citation.**
- 1.06.120 Amount of administrative fines.**
- 1.06.130 Payment of administrative fines.**
- 1.06.140 Request for administrative hearing.**
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Article III. Abatement of Nuisances

- 1.06.190 Authority and procedure for recovery of costs.**
- 1.06.200 Determination of nuisance.**
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- 1.06.220 Notice of hearing.**
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- 1.06.250 Abatement by city.**
- 1.06.260 Record of costs of abatement.**
- 1.06.270 Appeal to city council.**
- 1.06.280 Lien or special assessment.**
- 1.06.290 Notice of abatement lien or assessment.**
- 1.06.300 Emergency abatement.**

Prior legislation: Ords. 2004-058 and 2004-063.

Article I. General Penalty

1.06.010 General penalty for code violations.

A. Any person violating any of the provisions of this code or any other ordinance of the city or any rule, regulation or order promulgated by any officer or agency, under authority duly vested in such officer or

agency by the city, shall, unless otherwise specified, be guilty of a misdemeanor; provided, that where the city attorney or other prosecutor determines that such action would be in the interests of justice, the city attorney or other prosecutor may prosecute any such offense as an infraction. In the event a notice to appear is prepared as a misdemeanor pursuant to AVMC [1.06.030](#), the city attorney or other prosecutor may nonetheless prosecute any such offense as an infraction.

B. Any person convicted of a misdemeanor for a violation of any of the provisions of this code or any other ordinance of the city or any rule, regulation or order promulgated by any officer or agency, under authority duly vested in such officer or agency by the city, shall, unless otherwise specified, be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than six months or by both such fine and imprisonment, and shall be ordered to correct such violation.

C. Any person convicted of an infraction for a violation of any of the provisions of this code or any other ordinance of the city or any rule, regulation or order promulgated by any officer or agency, under authority duly vested in such officer or agency by the city, shall, unless otherwise specified, be punishable by:

1. A fine not exceeding \$100.00 for a first violation;
2. A fine not exceeding \$200.00 for a second violation of the same code provision, ordinance, rule, regulation, or order within a period of one year;
3. A fine not exceeding \$500.00 for each additional violation of the same code provision, ordinance, rule, regulation, or order within one year.

D. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her unless he or she is arrested and not released on his or her written promise to appear, his or her own recognizance, or a deposit of bail.

E. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions including, but not limited to, powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

F. Penalties imposed pursuant to this chapter shall not be deemed exclusive. When applicable, the city shall have the right to enforce the provisions of this code by civil process, including injunction, issuance of administrative citations, and all other civil remedies.

G. Whenever in this code or any other ordinance of the city or any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in such officer or agency, any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

H. It is a separate violation of this code for any responsible party to advertise an activity or use that is itself a violation of this code and that is advertised to take place within the city. For purposes of this subsection (H), a "responsible party" includes the property owner, business owner, operator, manager, lessor, lessee, and any other person that conducts or offers to conduct the illegal activity or use, but it does not include a person who publishes the advertisement, such as a newspaper publisher or online booking service. [Ord. 2019-210 § 3; Ord. 2010-126 § 1 (Exh. A)].

1.06.020 Continuing violations.

For purposes of this chapter, each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or any other ordinance of the city or any rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in such officer or agency is committed, continued or permitted by such person and shall be punishable accordingly. [Ord. 2010-126 § 1 (Exh. A)].

1.06.030 Violation – Notice to appear.

A. If any person is arrested for a violation of any provision of this code or any other ordinance of the city, and such person is not immediately taken before a magistrate, as more fully set forth in the California Penal Code, the arresting officer shall prepare, in duplicate, a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

B. The time specified in the notice to appear must be at least 10 days after the arrest.

C. The place specified in the notice to appear shall be a court within the county of Orange which has jurisdiction of the offense and which is nearest and most accessible with reference to the place where the arrest is made.

D. The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person, in order to secure release, must give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

E. The officer shall, as soon as practicable, file the duplicate notice with the court specified therein. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail set by the magistrate. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to California Penal Code Section [1463](#).

F. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law.

G. When a person signs a written promise to appear at the time and place specified thereon and has not posted bail as provided in AVMC [1.06.030\(E\)](#), the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than the magistrate and fails to do so on or before the date which he promised to appear, then, within 20 days after the delivery of such written promise to appear by the officer to the magistrate having jurisdiction over the offense.

H. Nothing herein contained shall be deemed or construed to require any arresting officer to issue a notice to appear instead of taking the person arrested before a magistrate as otherwise provided by law. [Ord. 2010-126 § 1 (Exh. A)].

Article II. Administrative Fines

1.06.060 Purpose and applicability.

A. This chapter makes any violation of the provisions of this code subject to administrative citation and fine. A violation of this code includes, but is not limited to, all violations of the code, all violations of any other ordinance of the city, and failing to comply with any condition imposed by any entitlement, agreement or environmental document issued or approved under the provisions of this code.

B. This chapter establishes the administrative procedures for the imposition, enforcement, collection, and review of administrative citations and fines pursuant to California Government Code Section [53069.4](#) and the city's plenary police power.

C. The issuance of an administrative citation under this chapter is solely at the city's discretion and is one option the city has to address violations of this code. By adopting this chapter, the city does not intend to limit its discretion to utilize any other remedy, civil or criminal, to enforce the provisions of this code and any other ordinance of the city.

D. The purpose of issuing administrative citations pursuant to this chapter is to encourage voluntary and complete compliance with the provisions of this code and to eliminate nuisances for the protection and benefit of the entire community.

E. Because of the serious blighting conditions that can result affecting the residents' health and safety, this chapter is intended to impose strict civil liability upon the owners, lessees and tenants of real property for all building, housing, fire and health code and zoning violations that occur upon the subject premises. [Ord. 2010-126 § 1 (Exh. A)].

1.06.070 Definitions.

The following definitions apply to the use of these terms for the purposes of this chapter:

"Administrative citation" means a notice issued pursuant to this article that there has been a violation of the code in the form specified in this article. "Administrative citation" includes a notice of noncorrection unless the context clearly shows otherwise.

"Building violation" means any violation of this code pertaining to building, plumbing, electrical, or other similar structural or zoning regulations set forth in this code that does not create an immediate danger to health or safety.

"Director" means director of the issuing department, or his or her designee.

"Enforcement officer" means any employee or agent of the city authorized to enforce the provisions of this code as designated in writing by the city manager, including, but not limited to, a deputy sheriff, animal control officer, or other employee of the county of Orange acting under contract with the city.

"Hearing officer" means the person selected to serve as the hearing officer over administrative, nuisance, or appeal hearings pursuant to Chapter [1.10](#) AVMC.

"Issued" means giving an administrative citation to the violator. Issuance occurs on the date when a civil citation is personally served on the violator, the date it is mailed to the violator, or the date it is posted on real property where a property-related violation occurs.

"Issuing department" means the city department that has the authority and responsibility for enforcing the code section(s) designated on a citation as having been violated.

“Notice of decision” means a written notice issued to a violator to inform the violator of the decision made regarding various provisions of this article.

“Notice of noncorrection” means a notice contained in a second administrative citation issued for a building violation which notes the violation on the prior administrative citation has not been corrected within the applicable correction period.

“Responsible person” means any of the following:

1. A person who causes a code violation to occur.
2. A person who maintains or allows a code violation to continue, by his or her action or failure to act.
3. A person whose agent, employee, or independent contractor causes a code violation by its action or failure to act.
4. A person who is the owner of, and a person who is a tenant, lessee or sublessee with the current right of possession of real property where a property-related code violation occurs.
5. A person who is the on-site manager of a business who normally works daily at the site when the business is open and is responsible for the activities at such premises for code violations occurring at such site.
6. A person who is the beneficiary under a deed of trust for the property where a property-related code violation exists and that person has not corrected the violation within 30 days after being notified by the director in writing of the violation and the fact that the trustor under the deed of trust is no longer living on the property and his or her whereabouts is unknown.

For purposes of this definition, “person” includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity. There shall be a legal presumption that the record owner of a parcel according to the county’s latest equalized property tax assessment rolls and a tenant, lessee or sublessee of a parcel has notice of any code violation existing on the premises.

For the purposes of this article, there may be more than one responsible person for a code violation, and a minor at least 14 years of age may be a responsible person subject to the provisions of this article.

“Violator” means a person given an administrative citation charging him or her as a responsible person for a code violation. [Ord. 2010-126 § 1 (Exh. A)].

Cross-reference: definitions generally, AVMC [1.02.010](#).

1.06.080 Administrative citation – General.

A. Any enforcement officer, upon determining that a provision of this code, which he or she is charged to enforce, has been violated has the authority to issue an administrative citation to any responsible person or persons. An enforcement officer may issue an administrative citation for a violation the officer did not see occur if the officer has determined, through investigation, that the responsible person did commit the violation. A responsible person to whom an administrative citation is issued shall be liable for and shall pay to the city the fine or fines described in the administrative citation when due pursuant to the provisions of this chapter.

B. Every person who applies for and receives a permit, license, or any type of land use approval (e.g., subdivision maps, conditional use permits, variances) shall comply with all conditions imposed upon the issuance of the permit, license or other approval. If a person violates any condition of such permit, license or approval, he or she may be issued an administrative citation and be liable for fines under the provisions of this chapter.

C. The city may take into consideration the fact that a person has been issued administrative citations when the city is determining whether to grant, suspend, revoke, or deny any permit, license, or any type of land use approval for the person and such administrative citations are evidence that the person has committed acts that are not compatible with the health, safety and general welfare of other persons and businesses in the vicinity. [Ord. 2010-126 § 1 (Exh. A)].

1.06.090 Administrative citation – Building violation.

A. When an administrative citation is issued for a building violation, a violator shall have at least 30 days to correct or otherwise remedy the building violation. A violator may be given more than 30 days to correct or otherwise remedy a building violation if deemed necessary by the enforcement official.

Notwithstanding AVMC [1.06.080](#), no responsible person shall be liable for an administrative fine unless the building violation continues after the time period allowed for correction as specified on the administrative citation and the responsible person is issued a second administrative citation containing a notice of noncorrection.

B. The violator of a building violation may request an extension of the correction period specified on the administrative citation; provided, that a request is filed with the director before the correction period ends. The director may in his or her discretion grant a reasonable extension of the period of time to correct the building violation if the violator has supplied substantial evidence showing that the correction cannot reasonably be made within the correction period specified on the administrative citation. The director's decision shall be in writing and is final. The filing for such an extension does not, unless granted, extend the correction period or any other time periods set by this chapter.

C. If a building violation has not been corrected by the end of the correction period specified on the administrative citation, the enforcement officer has authority to issue to the responsible person a second administrative citation containing a notice of noncorrection. The violator to whom the notice of noncorrection is issued shall be liable for and shall pay to the city the fine(s) described in the administrative citation, which fine(s) shall be due on the date the second administrative citation is issued. Additional administrative citations may be issued and fines imposed for every day the violation continues uncorrected from the date the second administrative citation is issued.

D. If, upon reinspection, the enforcement officer determines the violation has been corrected, he or she will issue a notice of decision to the violator indicating correction has been made. [Ord. 2010-126 § 1 (Exh. A)].

1.06.100 Administrative citation – Form and contents.

Each administrative citation shall contain the following information:

A. Name of the responsible person for the violation of this code.

B. Date(s) on which the code violation existed or occurred.

C. Address where the code violation occurred.

D. The code section violated.

E. Description of the violation.

F. Designation of the issuing department for the code section(s) violated.

G. Amount of the fine for the violation and procedure to pay the fine and avoid a late payment penalty.

H. Designation of a building violation (if applicable), date the correction period expires, and how to request an extension of that period, and designation of a notice of noncorrection (if applicable) for a building violation that has not been corrected.

I. Designation of prior administrative citations issued for the same code violation, if known by the enforcement officer.

J. Description of the procedure for requesting a hearing to contest an administrative citation.

K. Signature of the enforcement officer issuing the administrative citation.

L. Date the administrative citation is issued.

M. A self-addressed envelope in which the violator can send to the city the fine or a request for a hearing to contest an administrative citation.

N. Any other information deemed necessary by the city attorney for enforcement or collection purposes. [Ord. 2010-126 § 1 (Exh. A)].

1.06.110 Service of administrative citation.

An administrative citation may be served as follows:

A. An enforcement officer may personally serve the administrative citation on the violator. The violator is required to sign a copy of the administrative citation showing his or her receipt of the administrative citation.

B. An enforcement officer may mail the administrative citation by first class mail, if the violator is not present for personal service at the time the officer determines there has been a violation. The administrative citation shall be mailed to the violator's address shown on the county's last equalized property tax assessment rolls for a property-related violation, or to any address known for the violator for all other violations.

C. An enforcement officer may post a copy of the administrative citation on the property in a conspicuous place for a property-related violation when the violator resides at an unknown address other than where the violation occurs. A copy of the administrative citation will also be mailed to the violator at the property address. [Ord. 2010-126 § 1 (Exh. A)].

1.06.120 Amount of administrative fines.

Administrative fines shall be assessed in the amounts specified by resolution of the city council or, where no amount is specified, as follows:

A. A fine not exceeding \$100.00 for a first violation.

B. A fine not exceeding \$200.00 for a second violation of the same code provision, ordinance or permit condition within one year from the date of the first violation.

C. A fine not exceeding \$500.00 for each additional violation of the same code provision, ordinance or permit condition within one year from the date of the first violation.

D. The fine amounts for infractions set forth in AVMC [1.06.010](#)(C) shall not apply to this chapter and shall in no way limit the amounts which may be imposed for administrative fines.

E. The city may use all appropriate legal means to collect the fines imposed pursuant to this chapter. [Ord. 2010-126 § 1 (Exh. A)].

1.06.130 Payment of administrative fines.

A. Fines shall be made payable to the city and delivered to the director of the issuing department within 15 business days from the date the administrative citation is issued.

B. Payment of a fine shall not excuse the violator from correcting the code violation. The issuance of an administrative citation and/or payment of a fine does not bar the city from taking any other enforcement action regarding a code violation that is not corrected, including issuing additional administrative citations and/or filing criminal complaints.

C. In the event that a fine imposed pursuant to an administrative citation remains unpaid for 90 days after such administrative citation is issued, the amount of such fine shall be doubled as a late penalty and become due immediately. In the event that the violator requests an administrative hearing pursuant to AVMC [1.06.140](#), the late penalty will be assessed if the fine remains unpaid 60 days after final decision by the hearing officer, as provided herein. [Ord. 2010-126 § 1 (Exh. A)].

1.06.140 Request for administrative hearing.

A violator may contest an administrative citation by filing an appeal pursuant to Chapter [1.10](#) AVMC except that an appeal for a building violation may not be filed unless and until a second civil citation containing a notice of noncorrection is issued. In addition to any appeal fee required by Chapter [1.10](#) AVMC, the violator shall deposit the full amount of the fine(s) imposed pursuant to an administrative citation in order to contest the administrative citation. [Ord. 2010-126 § 1 (Exh. A)].

1.06.150 Right to judicial review.

A. After the final decision is rendered in the appeal process pursuant to Chapter [1.10](#) AVMC, any party wishing to contest it may seek judicial review of the hearing officer's decision by filing an appeal with the superior court having jurisdiction over the violation within 20 calendar days from the date of issuance of the notice of decision in accordance with the provisions of California Government Code Section [53069.4](#). The appeal filed with the superior court must also contain a proof of service showing a copy of the appeal was served upon the city. The violator must pay to the superior court a \$25.00 filing fee when the appeal is filed.

B. No appeal is permitted from a decision on a request for an extension of the correction period specified on the administrative citation for building violations or where the violator is deemed to have abandoned the contest of the administrative citation by an unexcused nonappearance at the hearing or failure to deposit the fine. [Ord. 2010-126 § 1 (Exh. A)].

Article III. Abatement of Nuisances

1.06.190 Authority and procedure for recovery of costs.

A. Any violation of this code is hereby determined to constitute a public nuisance. The procedures set forth in this article for abatement of nuisances and the making of the cost of abatement of a public nuisance which exists on a parcel of land a special assessment or lien against that parcel are adopted

pursuant to California Government Code Sections [38773](#) et seq. and [54988](#), California Penal Code Sections [11226](#) through [11230](#), and Article XI, Section [7](#) of the California Constitution.

B. In addition to any other remedy available to the city, in any civil, criminal or administrative action, proceeding or matter commenced by the city to abate a public nuisance, to enjoin a violation of any provision of this code, or to collect a civil or criminal penalty or other amount due to the city as the result of any such public nuisance, the city shall, if it is the prevailing party, be entitled to recover from the defendant in any such action costs incurred by the city in such action, proceeding or other matter.

C. As used in this section, “costs” shall have the meaning set forth in California Code of Civil Procedure Section [1033.5](#), including, without limitation, attorneys’ fees as provided in subsection (E) of this section. In addition to such items, all of the following shall be included within the definition of “costs”:

1. Personnel costs actually incurred by the city (for contractors and consultants) or based on established rates of employee costs as adopted by resolution of the city council from time to time. Such personnel costs shall include, but not be limited to, the costs incurred by the city to pay any contractor to abate a public nuisance.
2. Costs of administrative hearings, including hearing officer costs and reporter costs.
3. Any administrative fines or penalties.
4. Accrued interest at the maximum rate established by law.

D. The procedure set forth in this chapter is not exclusive and is in addition to the procedure for abatement which is conferred upon the city by California Civil Code Section [3494](#), California Code of Civil Procedure Section [731](#), California Penal Code Sections [11226](#) through [11230](#), and any other applicable provision of law.

E. The prevailing party in any action, proceeding, or special proceeding to abate a nuisance, including but not limited to those taken pursuant to this chapter, and specifically including pursuant to this article (“Abatement of Nuisances”), in which the city has initiated the action, proceeding or special proceeding and in which city elects at the initiation of the action, proceeding or special proceeding to seek recovery of its own attorneys’ fees, all as provided by California Government Code Section [38773.5\(b\)](#), may recover reasonable attorneys’ fees relating thereto.

F. In any civil or criminal action, the city may seek recovery of costs (including any costs incurred in any related administrative matter) as set forth in California Code of Civil Procedure Sections [1033.5\(c\)\(5\)](#) and [3496](#).

In addition to the remedies set forth above, in nuisance abatement actions brought pursuant to AVMC [1.06.200\(B\)](#), the city shall also seek a court order for:

1. One-year closure of any buildings or premises utilized in connection with the nuisance;
2. Payment of one year’s fair market rent to the city;
3. Sale of all fixtures in the building relating to the nuisance;
4. A civil fine of \$25,000; and
5. Reimbursement of the city’s attorney’s fees.

G. These amounts and costs incurred by the city in connection with the enforcement of this article may be collected as a lien against the subject property as authorized by California Government Code Sections [38773.1](#) and [54988](#) and this chapter, through the special assessment procedure authorized by California Government Code Section [38773.5](#) and this article, or through any other legal means available to the city. The city may redirect amounts recovered pursuant to subsections (F)(2) through (4) of this section to victim's assistance programs. [Ord. 2021-220 § 2; Ord. 2014-162 § 1; Ord. 2010-126 § 1 (Exh. A)].

1.06.200 Determination of nuisance.

A. The city manager or his or her designee may determine that any premises within the city may constitute a public nuisance pursuant to any provision of law and may initiate proceedings pursuant to this article. The determination of the city manager or his or her designee shall be set forth in a letter which shall identify the premises and state the conditions which constitute a nuisance and shall request that such conditions be corrected within a stated period of time. The letter of determination shall be served on the record owner of the premises. If the conditions are not remedied within the time stated in the letter, the city manager or his or her designee shall schedule a hearing to determine whether or not a nuisance exists.

B. The city attorney is hereby authorized and directed to present to the city council for consideration the initiation of a nuisance abatement action whenever the city attorney or city staff becomes aware of facts or circumstances suggesting that a building or property is being used for the purpose of illegal gambling, lewdness, prostitution, or human trafficking. Such initiation shall also include revocation proceedings to nullify any entitlement, permits, or licenses that a business operator or property owner knew or had reason to know were used in connection with said nuisance. [Ord. 2021-220 § 3; Ord. 2010-126 § 1 (Exh. A)].

1.06.210 Notice of hearing and letter of determination.

The city manager shall serve on the record owner of the premises that are the subject of the letter of determination issued pursuant to AVMC [1.06.200](#) a notice of hearing in substantially the form set forth in AVMC [1.06.220](#), and a copy of this article. The notice shall be served not less than 30 calendar days before the date of the hearing. [Ord. 2010-126 § 1 (Exh. A)].

1.06.220 Notice of hearing.

The notice of hearing required by AVMC [1.06.210](#) shall be in substantially the following form:

Notice is hereby given that on the _____ day of _____, the City Manager of the City of Aliso Viejo, or his or her designee, determined that a nuisance may exist on the following described premises. On the _____ day of _____, at the Aliso Viejo City Hall, located at 12 Journey in the City of Aliso Viejo, a hearing will be held before a hearing officer appointed to determine whether a public nuisance exists on the premises. If the premises, in all or in part, are found to constitute a public nuisance and if the same is not promptly abated by the owner, such nuisance may be abated by the City, in which case the costs of such abatement may be assessed upon such premises and if assessed, may constitute a lien upon such property until paid.

The premises are described as follows:

_____.

[Ord. 2010-126 § 1 (Exh. A)].

1.06.230 Service of notices and orders.

Service of notices and orders required under this article shall be made by posting a notice in a conspicuous place on or in front of the premises and by either one of the following methods:

A. By personal service on the record owner(s); or

B. By registered or certified mail addressed to the record owner(s) of the property at their last-known address. If there is no known address for the record owner, the notice or order shall be sent to the property address for the premises. Service shall be completed at the time of deposit into the United States mail. [Ord. 2010-126 § 1 (Exh. A)].

1.06.240 Hearing.

The hearing shall be heard by a hearing officer selected pursuant to AVMC [1.10.030](#) and shall be conducted in accordance with Chapter [1.10](#) AVMC. At the conclusion of the hearing, the hearing officer shall determine whether or not a nuisance exists; and, if the hearing officer so concludes, he may order the person owning or occupying the premises upon which the nuisance exists to abate it within a period of time as specified in the hearing officer's decision. The hearing officer may grant an extension of time to abate the nuisance if, in the hearing officer's opinion, good cause for an extension exists. The decision of the hearing officer shall be in writing and shall be final upon service of a copy of the decision and order by registered mail to those persons described in AVMC [1.06.210](#). [Ord. 2010-126 § 1 (Exh. A)].

1.06.250 Abatement by city.

If the nuisance is not completely abated within the time set forth in the hearing officer's order, the city manager may immediately cause the same to be abated by city personnel or private contract, and the personnel or persons under contract are expressly authorized to enter upon the premises for such purposes. The owner of the premises shall be liable to the city for all costs of the abatement, including administrative costs. [Ord. 2010-126 § 1 (Exh. A)].

1.06.260 Record of costs of abatement.

If the city has abated the nuisance in accordance with AVMC [1.06.250](#), the city manager or designee shall serve on the owner of the premises a written accounting of the costs incurred by the city to abate the nuisance, which shall include, in plain language, a description of the basis for the amounts comprising the proposed lien or assessment on the subject property, notice to the property owner of his or her obligation to pay such costs or to appeal the matter to the city council and be heard regarding the amount of the proposed lien, and that failure to so appeal shall constitute a waiver of the property owner's right to an administrative determination of the matter. The notice and written accounting shall be mailed by certified mail to the last known address of the record owner of the property. In the event the owner does not appeal within 10 calendar days after service of the notice and written accounting, the amount of such unpaid costs may be made a lien or special assessment on the subject property to be sent to the county tax collector in order to be collected at the same time and in the same manner as property taxes are collected. [Ord. 2010-126 § 1 (Exh. A)].

1.06.270 Appeal to city council.

A. An owner, occupant, or other party who has a legal or equitable interest in the premises may appeal the hearing officer's decision finding and ordering the abatement of a nuisance pursuant to AVMC [1.06.240](#) to the city council. Said appeal must be in writing and must be filed with the city clerk no later than 10 days from the date the hearing officer's order was served in accordance with AVMC [1.06.230](#). If the hearing officer's order is not appealed in accordance with this section, the hearing officer's order shall be deemed final and may no longer be appealed.

B. An owner, occupant, or other party who has a legal or equitable interest in the property may appeal the city's written accounting of the costs to abate the nuisance provided pursuant to AVMC [1.06.260](#) to the city council. Said appeal must be in writing and must be filed with the city clerk no later than 10 days

from the date the city's written accounting was served in accordance with AVMC [1.06.230](#). If the city's written accounting of the costs to abate the nuisance is not appealed in accordance with this section, the city's written accounting shall be deemed final and may no longer be appealed.

C. All written appeals shall be filed with the city clerk and shall state the grounds for such appeal and the specific factual and/or legal errors committed.

D. The appeal shall be heard by the city council at the next available city council meeting. Notice of the meeting shall be served, in accordance with AVMC [1.06.230](#), on the person(s) who filed the appeal at least 10 days prior to the meeting. The city council's determination on the appeal shall be in writing and shall be served, in accordance with AVMC [1.06.230](#), on the person(s) who filed the appeal. [Ord. 2010-126 § 1 (Exh. A)].

1.06.280 Lien or special assessment.

A. If the property owner fails to appeal the written accounting provided pursuant to AVMC [1.06.260](#) or if the city council upholds the written accounting, the city manager or designee may determine that the costs set forth in such written accounting shall become a lien on the premises and shall cause a notice of lien to be recorded against the property pursuant to California Government Code Section [38773.1](#). A lien recorded pursuant to this subsection shall attach upon recordation in the office of the county recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien.

B. As an alternative to the lien procedure set forth in subsection (A) of this section, the city manager or designee may determine that the costs set forth in the city's written accounting shall become an assessment and may cause the assessment to be imposed against the property. An assessment imposed pursuant to this subsection may be collected at the same time and in the same manner as property taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as property taxes.

C. In addition to the remedies set forth herein or otherwise provided for by law, the obligation to pay any unpaid costs shall be made a personal obligation of the owner of property subject to this section. Such obligation may be recovered against the owner through a suit instituted by the city or its authorized collection agent, or in any other manner provided for by law. In any such action, the city shall be entitled to recover costs of such suit, including the city's attorneys' fees, as provided in AVMC [1.06.190](#). [Ord. 2010-126 § 1 (Exh. A)].

1.06.290 Notice of abatement lien or assessment.

A. In the event that the city causes a notice of lien to be recorded pursuant to AVMC [1.06.280\(A\)](#), the notice shall, at a minimum, identify the record owner of the property, set forth the last known address of the record owner, list the street address, legal description, and assessor's parcel number of the property, set forth the date of the abatement order, list the city of Aliso Viejo as the agency on whose behalf the lien was imposed, set forth the date upon which the lien was created against the property, and include the amount of the lien.

B. In the event that the city imposes an assessment pursuant to AVMC [1.06.280\(B\)](#), notice shall be provided to the property owner in accordance with California Government Code Section [38773.5](#), and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. [Ord. 2010-126 § 1 (Exh. A)].

1.06.300 Emergency abatement.

Notwithstanding any other provision of this code, the city may act to immediately abate any nuisance or violation of this article whenever the city manager determines that a condition poses a clear and imminent danger to, or requires immediate action to prevent or mitigate the loss or impairment of life, limb, health, property, safety or welfare of any person or essential public services. The abatement shall include all actions necessary to secure the premises to prevent further occurrences of the nuisance. The city may abate any nuisance pursuant to this section without providing prior notice or hearing to the record owner of the premises that are the subject of the nuisance; provided, that the city manager shall make a diligent good faith effort, reasonable under the circumstances, to contact the record owner prior to summarily abating the nuisance. The nature of the emergency requiring the summary abatement shall be documented in the file. The record owner shall be liable to the city for all costs of any emergency abatement. After abatement of the nuisance, the city manager shall follow the procedures set forth in AVMC [1.06.260](#) through [1.06.290](#). [Ord. 2011-136 § 1].

Title 7. Health and Sanitation

Chapter 7.24. NUISANCE ABATEMENT

Note: Prior history: 1953 Code §§ 3401—3405; Ords. 90, 601, 850, 993, 1171, 1266, 1340, 1418 and 1549.

§ 7.24.010. Purpose.

This chapter defines and describes situations that constitute a public nuisance and establishes a process for abating public nuisances.

(Ord. 1563 § 1, 2012)

§ 7.24.020. Public nuisance defined.

A public nuisance is an unlawful act or omission to perform a duty or compliance with a law or regulation, which act or omission either injures or endangers the health or safety of others, or unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any public park, beach, street or highway.

Any of the following are deemed unlawful, a public nuisance and a violation of this code:

- (a) Any use or condition of property that: (1) poses a danger to human life; or (2) is unsafe or detrimental to the public health, safety or welfare.
- (b) Violations of Section **7.24.030**, Chapter **7.60**, Title **25** of this code (Zoning Regulations) or any other provisions of this code, including, without limitation, the Building, Property Maintenance, Fire and Construction Codes.
- (c) Any condition, act or omission declared by any statute of the state of California or any provision of this code to be a public nuisance.
- (d) The operation of any business that is illegal or unlawful under the laws or regulations of the United States, the state of California or the city.
- (e) Any condition that constitutes a nuisance as defined in Sections 3479 and 3480 of the California **Civil Code**, as may be amended from time to time.
- (f) Any condition of vegetation overgrowth, dirt or land erosion that encroaches into, over or upon any public right-of-way, including, but not limited to, streets, alleys or sidewalks, so as to constitute either a danger to the public safety or an impediment to public travel.

- (g) Any public nuisance known at common law or in equity jurisprudence.

(Ord. 1563 § 1, 2012)

§ 7.24.030. Maintenance of property.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or control of possession of any premises within the city of Laguna Beach to maintain or allow to be maintained such premises in such a manner that any of the following conditions are found to exist thereon:

- (a) Buildings or structures, or portions thereof including, but not limited to, walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways, that are unsafe or that are not provided with adequate egress so as to constitute a fire hazard or that are otherwise dangerous to human life or that in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (b) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, causes erosion, subsidence, or surface water run-off problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;
- (c) Premises maintained so as to constitute a fire hazard by reason of woods, rampant overgrowth or accumulation of debris;
- (d) Buildings that are abandoned, boarded up, partially destroyed or left in an unreasonable state of partial construction;
- (e) Buildings, walls, roofs, windows, doors, fences or structures upon which the condition of the paint, stain, varnish or other weatherproof coating has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation to the extent that the condition causes visual blight, imperils the health and safety of the occupants or others, or reduces property values in the area. (Note: graffiti nuisance provisions are specified in Municipal Code Chapter **7.60**);
- (f) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- (g) Overgrown vegetation:
 - (1) Likely to harbor rats, vermin and other pests, or
 - (2) Causing detriment to neighboring properties or property values;
- (h) Dead trees (trees that exhibit no viable tissue or leaf growth during the normal growing cycle) that are hazardous to public safety and welfare;
- (i) Trailers, campers, boats and other mobile vehicles or equipment stored or parked in front yards and/or setback areas or on vacant property, except as expressly permitted pursuant to Title 25 of this code;
- (j) The accumulation of significant amounts of personal or moveable property, bottles, cans, papers, boxes, shopping carts, trash, dirt, feces or other debris on any area of the property so as to be visible from the street to the extent that the condition creates visual blight, imperils the health and safety of the occupants or others, or reduces property values of the area;
- (k) Attractive nuisances dangerous to children or persons in the form of:
 - (1) Abandoned or broken appliances or equipment, or
 - (2) Hazardous pools or ponds including, but not limited to, drained pools, green pools or pools lacking a secure barrier, or
 - (3) Abandoned wells, shafts, basements or excavations, or
 - (4) Neglected machinery, or
 - (5) Any unstable structure or accumulated lumber;
- (l) A pool of stagnant or standing water that is a breeding place for mosquitoes;

- (m) Broken or discarded furniture and household equipment in any area of the property so as to be visible from the public right-of-way;
- (n) Laundry, clothes or household linens viewable from the public way, unless such laundry, clothes or household linens are on a clothesline in the rear yard or side yard of a property;
- (o) Garbage cans stored in front or side yards and visible from the public right-of-way;
- (p) Neglect of premises that causes a detrimental effect upon nearby property or property values;
- (q) Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by **Civil Code** Section 3479;
- (r) Maintenance of premises in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements;
- (s) Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use or property values of such adjacent properties;
- (t) Maintenance of premises (in relation to others) so as to establish a prevalence of depreciated value, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein;
- (u) Any property with excessive accumulations of grease, oil or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls or fences, or from which any such material flows or seeps onto any public street or other public or private property;
- (v) Except where construction is occurring under a valid permit or authorized approval, lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broke or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap materials, machinery parts or other such material stored or deposited on property such that they are visible from the public way;
- (w) Deteriorated parking lots, walkways, sidewalks, delivery areas, and other paved surfaces including, but not limited to, those containing pot holes and cracks or inadequate, noncompliant, or broken security lighting;
- (x) Any building or structure which has any or all of the following conditions or defects:
 - (1) Whenever the door, aisle, passageway, stairway or other means of exit is of insufficient width or size, or is arranged so as not to provide safe and adequate means of exit, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might, use such door, aisle, passageway, stairway or other means of exit,
 - (2) Whenever any portion thereof has been damaged by natural disaster, such as tsunami, landslide, earthquake, wind, flood, wildfire or by any other cause, in such a manner that structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Building Code for the new building or similar structure, purpose or location,
 - (3) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property,
 - (4) Whenever any portion thereof has settled to such extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction,

- (5) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way,
 - (6) Whenever, for any reason whatsoever, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used,
 - (7) Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition, applicable to such building or structure, of the building regulations of this city, as set forth in the Building Code or Housing Code, or for any law or ordinance of this state or city relating to the condition, location or structure of buildings,
 - (8) Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to cause injury to the health, safety or general welfare to those living within,
 - (9) Whenever the building or structure, used or intended to be used for dwelling purposes, has light, air and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within,
 - (10) Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration damage to electric wiring, gas connections, air conditioning or heating apparatus or other cause is in such condition as to be a fire hazard and is so situated as to endanger like or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause,
 - (11) Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration damage to plumbing systems is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to cause injury to the health, safety or general welfare to those living within, or
 - (12) Whenever any building or ground condition requires tarps as a permanent measure (longer than three months) to prevent rain from entering and damaging a structure or erosion and ground movement;
 - (y) The depositing, leaving, or placing of a bin, container or similar vessel, anywhere in the city by any person other than the city or the franchise hauler for purposes of providing solid waste handling services.
 - (z) Advertising signs, advertising materials, such as banners and posters, and awnings, upon which the condition of the material has become so deteriorated as to permit tearing, cracking, warping, or excessive fade, dirt, or dust, to the extent that the condition causes visual blight, imperils the health and safety of the occupants or others, or reduces property values in the area. (Note: graffiti nuisance provisions are specified in Municipal Code Chapter **7.60**);
 - (aa) Advertising signs and advertising materials, such as banners and posters, which obstruct visibility to the extent that the condition imperils the health and safety of the occupants or others.
 - (ab) Any violation of any Laguna Beach Municipal Code section or any violation of any code adopted by the city.
- (Ord. 1563 § 1, 2012; Ord. 1705, 8/13/2024)

§ 7.24.040. Public nuisance not allowed.

No person shall allow, maintain or commit any public nuisance, or willfully fail to commit to any legal duty relating to the removal or abatement of a public nuisance.

(Ord. 1563 § 1, 2012)

§ 7.24.050. Nuisance abatement authority.

- (a) Those who are authorized to enforce this chapter and to abate any public nuisance on behalf of the city include: (1) any city official, employee or department identified in any law, ordinance or regulation as responsible for enforcing any law, ordinance or regulation, the violation of which has caused or contributed to the public nuisance on the property, including, but not limited to, the city manager, the building official, community development director, code enforcement officer(s), water quality enforcement staff, any police officer or firefighter; and (2) the office of the city attorney.
- (b) Upon discovering a public nuisance, any city official, employee or department who is identified in any law, ordinance or regulation as responsible for enforcing any law, ordinance or regulation, the violation of which has caused or contributed to the public nuisance may do one or more of the following:
 - (1) In accordance with the summary abatement power set forth in Section **7.24.060**, take any reasonable steps to abate the nuisance including, but not limited to, removing, repairing or restoring any land, building, structure, use or condition that constitutes a public nuisance; otherwise, abatement may not be undertaken until the property owner and any persons known to the city to be in possession of the land are provided with notice and an opportunity to be heard in an appeal hearing in compliance with this chapter.
 - (2) Seek relief from any court to abate the nuisance.
 - (3) Issue an administrative citation pursuant to the provisions of Chapter **1.15**.

(Ord. 1563 § 1, 2012; Ord. 1705, 8/13/2024)

§ 7.24.060. Summary abatement power.

- (a) A public nuisance may be summarily abated by any reasonable means and without notice or hearing when immediate action is necessary to preserve or protect the public health or safety because of the existence of a dangerous condition or imminent threat to life or safety on public or private property. Summary abatement actions shall not be subject to the notice and appeal hearing requirements of this chapter, and any abatement authority shall not be prohibited from summary abatement actions after initiation of proceedings pursuant to this chapter, if immediate action at any time becomes necessary to preserve or protect the public health or safety. Summary abatement is to be limited to those actions that are reasonably necessary to immediately remove the threat to public health or safety. Notwithstanding the foregoing, the abatement authority shall provide notice to the property owner within ten calendar days of the actions taken at the property and the property rights to appeal the abatement authority's actions, in accordance with Section **7.24.090**.
- (b) In the event a public nuisance is summarily abated, the abatement authority may nevertheless keep an account of the cost of abatement and bill the property owner thereof. If the bill is not paid within thirty days from the date of mailing, the abatement authority may proceed to obtain a special assessment and/or lien against the owner's property in accordance with the procedures set forth herein.

(Ord. 1563 § 1, 2012)

§ 7.24.070. Public nuisance notice and order to abate form.

An abatement authority may declare a public nuisance for any reason specified in any city ordinance. Upon a public nuisance being declared, the abatement authority shall issue a notice and order to abate

substantially in the form set forth below: Any nonmaterial failure to strictly comply with the following shall not constitute grounds to invalidate or set aside any abatement action of the city unless a court of competent jurisdiction finds that the error was prejudicial, that the party complaining of the error suffered substantial injury from the error, and that a different result would have been probable if the error had not occurred. There shall be no presumption that error is prejudicial or that injury was done if an error is shown.

NOTICE AND ORDER TO ABATE

NOTICE IS HEREBY GIVEN THAT [specify the condition constituting the nuisance] is in violation of Section [specify section number] of the Laguna Beach Municipal Code. The violation has been declared a public nuisance by [specify the particular abatement authority] and must be abated immediately. The public nuisance is on property located at [insert the site street address and assessor parcel number].

YOU ARE HEREBY ORDERED TO ABATE SAID PUBLIC NUISANCE within [insert a reasonable number of days (not less than ten)] consecutive calendar days from the issuance of this order. The issuance date is specified below. You may abate the nuisance by [insert the desired action which, if taken, will adequately remedy the situation]. If you fail to abate the public nuisance within the number of days specified, the city may order its abatement by public employees, private contractor or other means, and the cost of said abatement may be levied and assessed against the property as a special assessment and lien or billed directly to the property owner.

YOU MAY APPEAL FROM THIS ORDER OF ABATEMENT, but any such appeal must be submitted within 14 consecutive calendar days from the issuance date of this order, as specified below. The appeal must be in writing; specify the reasons for the appeal; contain your name, address and telephone number; be accompanied by an appeal fee of _____ dollars (\$_____); and be submitted to the City Clerk at the following address:

City Clerk
505 Forest Avenue
Laguna Beach, CA 92651
(949) 497-0705

Upon timely receipt of the appeal and accompanying fee, the City Clerk, in conjunction with the abatement authority, will cause the matter to be set for an appeal hearing held by the City Council and notify you of the date, time and location of the hearing.

If you have any questions regarding this matter, you may direct them to the abatement authority issuing this notice at the address, telephone number and email address listed below.

ISSUANCE DATE: _____

[Insert name, title, address, telephone and email address of the abatement authority issuing this notice.]

(Ord. 1563 § 1, 2012)

§ 7.24.080. Service of notice and order to abate.

The notice and order to abate shall be served in the following manner:

- (a) By personal service to the responsible party (owner at the address shown on the latest Orange County assessment roll and/or at any other address of the owner and address of anyone known to be in possession of the property by the abatement authority providing notice); or
- (b) By certified mail, return receipt requested, addressed to the responsible party (owner at the address shown on the latest Orange County assessment roll and at any other address of the owner and address of anyone known to be in possession of the property by the abatement authority providing notice). Simultaneously, the notice and order to abate may be sent by first class mail. If certified mail and received receipt is returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the notice and order to abate sent by first class mail is not

returned to the abatement authority. If the certified mail or regular mail is not successful, the abatement authority shall post the notice and order on the real property specified in the notice and order to abate, and such posting shall be deemed effective service.

(Ord. 1563 § 1, 2012)

§ 7.24.090. Request for appeal hearing.

Any person receiving a notice and order to abate may contest the notice by completing a request for appeal hearing form with the required information and returning it to the city clerk within fourteen consecutive calendar days after the issuance date of the notice and order to abate. Any request for appeal hearing must be accompanied by an appeal hearing fee. A timely and complete appeal (appeal hearing form sufficiently filled out and appeal fee paid) shall stay any further abatement action until the hearing is concluded. The city clerk, in conjunction with the abatement authority, shall: (1) set the matter for an appeal hearing before the city council; (2) notify the parties in writing of the date, time and location of the city council appeal hearing; and (3) give all parties any written reports concerning the nuisance condition and code violation at least ten consecutive calendar days prior to the appeal hearing date. Failure to submit a timely and complete request for appeal hearing shall terminate a person's right to contest the notice/actions and shall constitute a failure to exhaust administrative remedies.

(Ord. 1563 § 1, 2012)

§ 7.24.100. Appeal hearing procedure.

Appeal hearings before the city council shall be conducted in accordance with the following procedure:

- (a) The city council shall only consider evidence that is relevant to whether the condition(s) constituting the public nuisance and violation(s) occurred and whether the responsible party has caused or maintained the condition(s) constituting the public nuisance and violation(s) of this code on the date(s) specified in the notice and order to abate.
- (b) The person contesting the notice and order to abate shall be given the opportunity to testify and present witnesses and evidence concerning the notice and order to abate. Formal rules of evidence shall not apply.
- (c) The failure of any recipient of a notice and order to abate to appear at the city council appeal hearing shall constitute a forfeiture of the appeal hearing fee and a failure to exhaust the administrative remedies, and the notice and order to abate shall be a final determination.
- (d) The notice and order to abate and any additional documents submitted by the approval authority to the city council shall constitute evidence of the violation and the respective facts contained in those documents.
- (e) The city council may continue the appeal hearing and request additional information from the abatement authority or the recipient of the notice and order to abate prior to issuing a written decision.

(Ord. 1563 § 1, 2012)

§ 7.24.110. Appeal hearing decision.

- (a) After considering all of the testimony and evidence submitted at the hearing(s), the city council shall make a decision to: (1) uphold; or (2) cancel the notice and order to abate. The appeal decision of the city council shall be final.
- (b) If the city council determines that the notice and order to abate should be upheld, then the city shall retain the appeal fee.

- (c) If the city council determines that the notice and order to abate should be canceled, the city shall refund the amount of the appeal fee within thirty days of that decision.
 - (d) The appellant of the notice and order to abate shall be served with a copy of the city council's written decision in the manner prescribed by Section **7.24.080** of this chapter. If the city council determines that a public nuisance exists on the property, the abatement authority may order the responsible party to abate the nuisance by a follow-up particular date. Failure to abate a public nuisance by the date indicated in the follow-up abatement order constitutes a violation of this chapter.
- (Ord. 1563 § 1, 2012)

§ 7.24.120. Enforcement.

- (a) If: (1) a public nuisance is not abated by the date indicated in the original notice and order to abate; or (2) if an appeal is filed, the city council determines that a public nuisance exists on the property and the responsible party does not abate the nuisance by the particular follow-up date ordered by the abatement authority, the city is authorized to do any or all of the following:
 - (1) Abate the nuisance;
 - (2) Hire a third party to abate the nuisance;
 - (3) Seek a court order requiring the property owner and/or possessor to abate the public nuisance;
 - (4) File a criminal complaint against the property owner and/or possessor.
 - (b) City employees and officials may enter onto private or public property for purposes of implementing this chapter, including, but not limited to, inspecting the property and abating the public nuisance. Where the city has contracted with a third party, the third party is authorized to enter onto private or public property to carry out the purposes of this chapter, including, but not limited to, inspecting the property and abating the public nuisance. (A court-issued warrant may need to be obtained depending on the circumstances.)
- (Ord. 1563 § 1, 2012)

§ 7.24.130. Abatement cost recovery.

- (a) Any owner of property upon which a public nuisance is determined to exist pursuant to this chapter is responsible for reimbursing the city for all abatement costs incurred in relation to the nuisance, including administrative costs, inspection costs, staff costs, contractor costs and all costs associated with physically abating a public nuisance on or in connection with the property. This reimbursement requirement applies whether the abatement is conducted pursuant to the summary abatement or administrative and appeal abatement process specified in this chapter, or by a civil action.
- (b) Failure to reimburse the city for all of its abatement costs within thirty days of a demand for reimbursement by the city constitutes a violation of this chapter.
- (c) The abatement authority shall render an itemized report of all abatement costs in writing to the city manager. The report shall include the names and addresses of all persons having any record interest in the property.
- (d) The city manager shall schedule a city council hearing on the report, and at least fourteen consecutive calendar days prior to the hearing, give notice by mail of said hearing to the record owner of each assessor's parcel involved in the abatement and any other person known to have a legal interest in the property.
- (e) The city council shall receive and consider the report at the noticed hearing and consider any objections of any persons liable to be assessed for the work of abatement, or any other persons

who may have a legal interest in the property. The itemized report shall include the costs for conducting the city council assessment confirmation hearing. The city council may make such modification in the report as are deemed necessary and the report and assessments shall be finalized and confirmed as final and conclusive.

- (f) A certified copy of the assessment shall be recorded by the city clerk in the office of the Orange County recorder. The amounts and the costs of abatement mentioned in the report shall constitute a special assessment against such property, and are a lien on the property for the amount of the respective assessment.
- (g) A copy of the report as confirmed shall be turned over to the Orange County auditor on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The tax collector shall include the amount of the assessment on the bills for taxes levied against the respective parcels of land.
- (h) Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as city taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes are applicable to such assessments.
- (i) In addition, the city council may impose an abatement lien upon the property in accordance with any applicable provision of this code and/or state law.

(Ord. 1563 § 1, 2012)

§ 7.24.140. No civil liability for enforcement or nonenforcement.

There shall be no civil liability on the part of, and no cause of action shall arise against, any city official, employee, department, investigator, consultant, contractor or agent by reason of any act or any failure or omission to act pursuant to this chapter and within the scope of his or her authority and discretion.

(Ord. 1563 § 1, 2012)

§ 7.24.150. Preservation of remedies.

Nothing in this chapter is intended to limit or void any rights, remedies or authority of the city or any city official, employee, department, investigator, consultant, contractor or agent of the city provided by any other law, ordinance or regulation.

(Ord. 1563 § 1, 2012)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.A
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)
THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE)
a. NAME OF CASE: CONNIE ANDERSEN, ET AL. V. CALIFORNIA WATER COMPANY, ET AL. (SEAVIEW CASE) CASE NO.: 24STCV20953

DATE: March 10, 2025

BACKGROUND:
None.

DISCUSSION:
None.

FISCAL IMPACT:
None.

RECOMMENDATION:
None.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.B
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
GOVERNMENT CODE SECTION 54956.9 (TWO CASES) CPUC
COMPLAINTS AGAINST SOUTHERN CALIFORNIA EDISON AND
SOCAL GAS

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

None.

ATTACHMENTS:



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 16.C
Mtg. Date: 03/10/2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CHRISTIAN HORVATH, CITY CLERK / EXECUTIVE ASSISTANT TO CITY MANAGER

THRU: KARINA BAÑALES, CITY MANAGER

SUBJECT: CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION GOVERNMENT CODE SECTION 54956.9(D)(1) THE CITY FINDS, BASED ON ADVICE FROM LEGAL COUNSEL, THAT DISCUSSION IN OPEN SESSION WILL PREJUDICE THE POSITION OF THE CITY IN THE LITIGATION. (1 CASE)

DATE: March 10, 2025

BACKGROUND:

None.

DISCUSSION:

None.

FISCAL IMPACT:

None.

RECOMMENDATION:

None.

ATTACHMENTS: