CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 1, 2013 **ITEM NUMBER:**

SUBJECT: **PUBLIC NUISANCE ABATEMENT ORDINANCE**

DATE: **SEPTEMBER 23, 2013**

FROM: **CHIEF EXECUTIVE OFFICE**

PRESENTATION BY: **RICHARD FRANCIS, ASSISTANT CHIEF EXECUTIVE OFFICER**

FOR FURTHER INFORMATION CONTACT: **MARGARET CHANG (714) 754-5618**

RECOMMENDATION:

Staff recommends that the City Council give second reading to Ordinance 13-_, regarding public nuisance abatement.

BACKGROUND:

On September 17, 2013, the City Council held a public hearing and gave first reading to Ordinance 13-_ by a 5-0 vote. Staff is returning to the City Council with minor changes to the proposed ordinance according to comments received on September 17, 2013.

ANALYSIS:

The changes made to the proposed ordinance following the September 17, 2013, City Council meeting are as follows:

- Section 20-6 (o): Deletion of “in residential areas” to the property maintenance standards for parkway landscaping.
- Section 20-11(r): Deletion of authority given to the County’s health officer and Orange County Vector Control to determine/define inadequate sanitation.
- Section 20-15 (a): Addition of notice sent by registered mail and the notice is considered served upon verification of receipt.
- Section 20-18: Addition of notice sent by certified or registered mail.
- “Board of appeals” was deleted from the proposed ordinance.

From 09/17/13:

Public nuisance abatement ordinances are used sparingly, though effectively, to address chronic and long-term problem properties where other forms of traditional code enforcement have failed, such as administrative citations and criminal prosecution. The City’s current public nuisance abatement provisions are limited in scope, and cannot adequately address some of the issues the City is facing.

The City of Costa Mesa has experienced a rise in problem properties that suggests that its public nuisance abatement ordinance should be updated. Problem properties are properties where certain **chronic and long-term conditions** exist that are detrimental to other properties nearby because of the spill-over effect of the conditions. Here are some examples of these problem properties:

- A property in a residential zone where there is constant noise, smoke that drifts into neighbors' yards, parking problems caused by increased traffic, trash and debris on neighbors' front yards, etc.
- Properties where hoarding conditions exist, which present health and safety concerns such as fire hazards and vermin for the residents of the property as well as for the neighbors.
- Properties that are abandoned and therefore become attractive to squatters, often becoming blighted properties that affect property values.
- Properties that are left in a state of semi-construction, which can be attractive nuisances to children.
- Properties where a disproportionate amount of criminal offenses are being committed.

These types of issues are common in dense urban environments, and when they become chronic and intractable, they are usually best addressed through public nuisance abatement.

Currently, the City has limited public nuisance abatement ability. Public nuisance is limited to violations of the property maintenance standards in the Code. What the ordinance lacks is public nuisance definitions for conditions that are not strictly property maintenance related, such as properties where an excessive amount of criminal activity is occurring, or where constant and disturbing noise is disrupting a neighborhood.

The proposed ordinance brings public nuisance abatement in line with many other cities by expanding the definition of conditions that constitute public nuisances and also by expanding and clarifying the procedures the City must follow in order to have a property declared a public nuisance, as well as the appeals procedures and cost recovery procedures.

Many of the provisions of the proposed Title 20 revision already exist in the Code, but have been moved for the sake of clarity and ease of reference. The current Title 20 consists of one chapter, Property Maintenance Standards, within which the nuisance abatement provisions are found, among other things.

Following is a summary of the layout of the proposed ordinance, and where existing provisions are found in the current ordinance.

ALTERNATIVES CONSIDERED:

The City Council can choose not to approve the attached proposed ordinance.

FISCAL REVIEW:

The proposed ordinance includes language requiring the City Council to establish a special reimbursable fund for abatement relocation assistance for evicted tenants. Staff will return to the City Council for approval to establish the reimbursable fund if the proposed ordinance is passed by the City Council.

LEGAL REVIEW:

The City Attorney has reviewed this report and its attachments.

CONCLUSION:

Adoption of the proposed ordinance would expand the City's enforcement ability against problem properties, and reorganizes Title 20's provisions for greater clarity and ease of reference.

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City Attorney

ATTACHMENTS:

1 Proposed Public Nuisance Abatement Ordinance
2 Proposed Public Nuisance Abatement Ordinance – Redlined Version