

Public Nuisance Information and Submittal Procedure

After a Code Enforcement officer (“CEO”) receives a complaint, an investigation will commence to determine whether or not there was or is a municipal code violation. An investigation requires that the CEO follow strict guidelines in order to obtain evidence that would support the existence of a code violation. In general, when investigating certain types of claims, evidence is easily attainable because it is in plain sight and or tangible. For example, a vehicle parked on the lawn or trash in the driveway can be documented easily.

In other situations, evidence is not easily attainable by the CEO because it is not in plain sight or there is lack of extensive documentation which supports the existence of a nuisance. For example, excessive smoking in a backyard and/or excessive noise in the middle of the night can be difficult to document by city staff. In these situations, the City requires help from the complaining party because he/she may be a witness or have evidence.

In order to assist with the public nuisance complaint, the City has developed a nuisance logging procedure to help those bothered by a nuisance to keep track of evidence. The following is a step by step guide on how to participate in this procedure.

A. Request a Nuisance Documentation Form

To request a copy please call (714) 754-5638 or email us at katie.angel@costamesaca.gov. It can also be downloaded [here](#).

B. Fill out the forms

Section 1 - Contact Information – Required

Please provide full contact information.

QUESTION: Why do I need to provide my contact information?

Complaints which do not include the name of the complaining party may impede the City’s ability to resolve the issue. This is true because some violations will not be resolved until a criminal or civil complaint is filed against the violator. In order for the City to file a criminal or civil complaint for a municipal code violation, a declaration in support of the complaint is required by the court. The declaration attests that a party has observed the violation. In the event a code enforcement officer has not observed the violation, then the City can only file a criminal or civil complaint if the complaining party signs a declaration. Complaining parties should keep in mind that if a criminal or civil complaint is filed in response to a

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complaint filed on this site, the City may need the complaining party to appear in court in event the case goes to trial.

Section 2- Location Information - Required

Please provide the exact address.

QUESTION: What if I don't know the exact address?

If at all possible, please provide the exact address. It should include apartment number and or suite number. If you do not have this information, you need to provide as much detail about the location of the nuisance so staff can conduct the investigation at the correct location.

Section 3 - Describe the Nuisance – Required

Please describe the behavior that you believe is a nuisance. Your description should be as detailed as possible to help staff better understand your concern and to help identify specific items that may be a violation of the City's municipal code.

Below are two examples of what constitutes sufficient details and what constitutes as insufficient details. The first is a bad example. It is too broad and does not provide the information needed for the city to determine if a violation exists. The second is a good example. It provides enough detail for staff to understand your concern and determine if a municipal code violation has occurred.

Bad example:

“My new neighbors are just a bunch of partiers and all they do is cause the neighborhood a bunch of issues. Why can't something be done about this?”

Good example:

“My neighbors moved into their home in early January of this year. Since moving in they have had approximately **30 parties**. These parties have occurred both on the **weekends** as well as **during the week**. The parties occur at **all hours of the day**. On average there are about **20 people** at these parties. During the party, the **music is extremely loud**, the guests **drink and smoke in the front yard**, their **tone of voice is loud** and they often are rude to people passing by their house. When the party ends, the guests appear as though they are **drunk and**

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are stumbling to their cars. They often throw beer bottles/trash into the street. In addition, two of my neighbors have reported damage to their vehicles committed by some of these guests.”

SECTION 4 - Tell us about actions you may have already taken - Required

This information provides the City with some background as to what efforts, if any, you may have taken to work out the concern with the offending individual and/or business and provides any official historical documentation of previous submissions to the City. See example below.

1. Have you contacted the individual or business that is creating the nuisance to discuss your concern?

Yes No

If yes, how many times? 2

Please provide a summary of those interactions.

- *On 2/21/17 I spoke to my neighbor, Mr. Woods, after their first party. I told him about my concerns. He said he understood and that it would not happen again.*
- *On 2/29/17 I spoke with my neighbor, Mr. Woods, after his second party. I told him that his guests had broken my car window. He said that “it was not his guests” and that “I should just stay inside my house during his parties.” He then shut his door on me.*

2. Have you contacted the Costa Mesa Police Department to file a complaint?

Yes No

If yes, how many times? 1

Please provide the dates, times, reason and any incident or case number(s) issued by the police department.

Date/Time	Reason	Incident/Case number
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2/14/17 @ 2:00 am	My neighbor's guest broke my car window	DR 17-123456
2/18/17 @ 1:30 pm	Loud Party	No case number

3. Do you have any audio, video or photographic evidence that will support the nuisances, such as the ones underlined in the above good example?

Yes No

If yes, please provide copies of these items.

Question: Why do I need to provide audio, video, and or photos?

These would be direct pieces of evidence, which can be used as proof that a violation existed.

SECTION 5 - Keep a log for 30-days – Required

This log is required to identify that the nuisance you described is an ongoing issue and provide an overall picture of what you may be facing on a daily basis. See the example below.

Day	Date/Time	Observation	Duration	Police contacted	Audio Video Photos
1	5/6/2017 1:00 am	Party – Drinking and Smoking in front Yard. Loud music.	2 hours	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2		<i>Leave blank if nothing to report.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	5/7/2017 2:00 am	Party – Guests appeared drunk stumbling from party throwing bottles into street.	20 minutes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8	5/8/2017 4:00 pm	Excessive smoking – Smoking traveling into my yard.	20 minutes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
30	6/5/2017 3:00pm	Argument – bottles thrown into my back yard	1 hour	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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Question: Why do I need to provide 30 days of documentation? Will one day of documentation be sufficient for code to issue a citation or file a criminal or civil complaint, if necessary?

It depends. Most public nuisance violations require that complaining parties log the number of times they observe a disturbance showing the existence of the nuisance because one incident or observation alone does not constitute a public nuisance (i.e. loud music that does not violate the noise ordinance). Similarly, one instance of a dog barking does not create a nuisance, but if the dog barks repeatedly, there could be grounds for the city to take action. Some nuisances are very difficult or impossible for city staff to document. For example, the loud music or barking dog or raised voices heard in the middle of the night may have ended before the police arrive.

There are some public nuisance violations that are nuisances per se, meaning the very act is a violation. For example, the very act of operating a business without a business tax registration certificate is a violation, so there is no need to keep a 30-day log.

SECTION 6 – AFFIRMATION - Required

Print and sign your documentation acknowledging that the information you submitted is true and correct.

C. Turn in your Documentation.

Turn in the documentation form and all supporting video, photos and or audio to the Community Improvement Division.

All documents need to be submitted in person for staff to review for completeness. The Community Improvement Division is located on the 2nd floor of City Hall at 77 Fair Drive, Costa Mesa. Please call our Duty Officer at (714) 754-5638 from 8:00 a.m. to 5:00 p.m. for any additional questions.

Staff will review your documentation to determine if sufficient evidence exists to move forward with your complaint. Staff will contact you within seven (7) business days to give you a determination of their review and what the next step in the process will be.

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Question: If staff determines there is sufficient evidence that a nuisance exists, what is the next step?

Code Enforcement staff may set up an office conference with the alleged violators, issue an administrative citation and/or file a civil or criminal complaint.

Question: If staff determines there is insufficient evidence that a nuisance exists over the 30-day logging period, what are my options?

The logging was designed to be conducted over a relatively reasonable amount time. In some instances, to identify a nuisance, it may require a longer period of logging. You are free to take as much time to document your concern as you feel is necessary to identify the nuisance. Staff will review your documentation when you are ready to submit.