

16 x 1

ORDINANCE NO. 1655

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 1 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING
THERETO A NEW CHAPTER 1.30 ENTITLED "ABATEMENT OF
PUBLIC NUISANCES", ALL RELATING TO PROCEDURES FOR
THE ABATEMENT OF PUBLIC NUISANCES

The City Council of the City of Chula Vista does ordain
as follows:

SECTION I: That Title 1 of the Chula Vista Municipal
Code is hereby amended by adding thereto a new Chapter 1.30 en-
titled "Abatement of Public Nuisances" and Sections 1.30.010 through
1.30.090 be, and the same are hereby added to read as follows:

CHAPTER 1.30. ABATEMENT OF PUBLIC NUISANCES.

Sec. 1.30.010. Purpose and Intent.

It is the purpose and intent of the City Council
in adopting this chapter relating to procedures for
the abatement of public nuisances to provide a uniform
procedure of notification, right of appeal, assessment
of costs and collection of said assessment in the man-
ner prescribed by Section 3491 et seq. of the Civil
Code of the State of California and Section 38771 et
seq. of the Government Code of the State of California
for the abatement of public nuisances.

The procedures and forms noted herein are in addi-
tion to and supplemental to the general penalty pro-
vision as contained in Chapter 1.20, and shall be
followed by the appropriate enforcement officers in
the correction or abatement of nuisances as declared
in the several chapters of this code. It is further
the intent of the City Council to insure that all
parties required to abate any public nuisance, as
declared by this code, shall receive full rights of
due process.

Sec. 1.30.020. Public Nuisances - Procedures
for Abatement.

Upon discovery of conditions constituting a public
nuisance, as defined in various chapters and sections
of this code, the duly constituted authorities of the
City of Chula Vista, who are assigned the responsibility
for enforcement of said sections, are hereby delegated
the authority to initiate, through the office of the
City Attorney, the proceedings authorized and directed
by this chapter to cause the abatement, removal and/or
enjoinment of such public nuisance.

The City Attorney shall cause notification of the
specified public nuisance, to be personally served or
sent by certified mail, to any persons, firms, corpor-
ations or other entities charged by the laws of the
State of California or this code with a responsibility
for compliance with said laws.

The notification shall be in the following form:

NOTICE OF VIOLATION

DECLARATION OF VIOLATION OF
OF THE CHULA VISTA MUNICIPAL CODE RELATING TO

NOTICE IS HEREBY GIVEN that as of the _____ day of _____, 19____, that the Director of _____ of the City of Chula Vista, California as reported to the City Attorney of the City of Chula Vista, California has found and determined that conditions exist on or adjacent to the real property described as San Diego County Assessor's Parcel No. _____, commonly known as _____, Chula Vista, California, which constitutes a public nuisance and a violation of _____ of the Chula Vista Municipal Code in that the following conditions exist: _____
_____ on or adjacent to said real property.

Notwithstanding any other provisions of said Municipal Code, failure to abate the nuisance described hereinabove, according to the provisions of Section _____ of the Municipal Code, within thirty (30) days from the date of delivery of this notice, enforcement proceedings for the abatement, removal and/or enjoinder of said public nuisance shall be commenced pursuant to the provisions of this chapter. Notice of any further proceedings to be pursued by the City to abate the aforesaid conditions shall be given in the manner provided herein.

Dated: _____

Director of

Sec. 1.30.030. Effect of Voluntary Abatement.

If the public nuisance is abated by the party or parties to whom the City looks for compliance within the thirty day period allowed in the Notice of Violation, the designated City officer serving such Notice of Violation shall cease further abatement proceedings.

Sec. 1.30.040. Further Proceedings.

Further abatement proceedings shall be pursued as provided in Sections 1.30.020 through 1.30.090, inclusive, when the Notice of Violation as provided in Section 1.30.020 has been served and abatement of the public nuisance has not been accomplished within the thirty day period as prescribed in Section 1.30.030. However, if abatement of the public nuisance has been commenced within the thirty day period, the City Manager or the department head serving the Notice of Violation is hereby delegated the authority to grant a single

extension of time for an additional fifteen days for good cause shown, such as delays beyond the control of the affected party or parties. In the event the party or parties to whom the City looks for abatement fail to abate the public nuisance within the time allowed, the City Attorney shall cause notification to be personally served or sent by certified mail to the persons, firms, corporations or other entities which the records disclose to have a control or interest in the subject property constituting a public nuisance. The notification shall be in the following form:

N O T I C E

HEARING ON ABATEMENT OF PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN that on _____ day of _____, 19____, at the hour of _____, ~~of said day~~, the City Council of the City of Chula Vista, California will hold a public hearing in the Council Chambers of the Chula Vista City Hall, located at 276 Fourth Avenue, Chula Vista, California to ascertain whether the condition found on certain premises in the City of Chula Vista, described as San Diego County Assessor's Parcel No. _____, commonly known as _____, Chula Vista, California, to-wit: _____

_____ constitutes a public nuisance as defined in various chapters and sections of this code and require abatement as provided herein.

The conditions which shall be the subject of the public hearing are as follows: _____

That if the stated conditions set forth hereinabove are found to constitute a public nuisance and the public nuisance has not been abated by the parties responsible therefor, such public nuisance may be ordered by the City Council to be abated by the persons responsible or may be ordered to be abated by the duly constituted authorities of the City and the cost thereof charged to the parties responsible or placed as a lien against the real property.

That all persons having any objection to or interest in said matters are hereby notified to attend the meeting as stated in this Notice when their testimony and evidence will be heard and given due consideration; that all proceedings hereunder are categorically exempt under this City's adopted environmental guidelines and procedures.

Dated: _____

Director of

The City Attorney shall also cause a copy of the Notice of Hearing to be posted conspicuously on the subject premises and a copy of said Notice shall be served personally or by certified mail at least ten days before the time

fixed for hearing. Proof of service and posting of such Notice shall be made by written declaration under penalty of perjury and be filed with the City Council. Notice of the hearing shall also be published in a newspaper of general circulation in accordance with the provisions of Section 318 of the Chula Vista City Charter.

Sec. 1.30.050. Council Action on Public Nuisances.

After receipt of testimony, if the City Council finds and determines that the alleged conditions constitute a public nuisance as defined herein and that the public nuisance requires abatement, it may order such abatement within a period of time which the Council finds and determines to be reasonable under the circumstances. The City Council order may also include the revocation of any permits or variances previously granted, notwithstanding any other provisions of this code. The order may also include as an alternative an instruction to the City Attorney, that if abatement is not commenced and accomplished as prescribed, to institute appropriate court proceedings.

Sec. 1.30.060. Costs - Assessment and Collection Procedures.

Any costs incurred by the City in bringing about the abatement of a nuisance may be ordered by the City Council to be charged against the owner of the parcel of land pursuant to Section 38771 et seq. of the Government Code of the State of California and Chapter 1.30 of this code. If such costs are not paid within 30 days of the date of such order or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other City taxes.

Sec. 1.30.070. Procedures - Non-Exclusive.

The procedures provided in this chapter shall be in addition to any other remedies provided by law.

Sec. 1.30.080. Limitation of Action.

Any party aggrieved with the proceedings, decision or action taken by the City Council under this title in ordering the abatement of a public nuisance or other order, must bring an action to contest such proceeding, decision, action or other within thirty days after the date of the decision, action or order of the City Council.

Sec. 1.30.090. Service of Resolution.

Any action taken or order made by the City Council under this title shall be by resolution. A copy of the resolution shall be served personally or by certified mail to all parties who were entitled to notice under Section 1.30.020 not later than fourteen calendar days following the decision of the City Council.

SECTION II: If any section, subsection, sentence, clause phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such decision shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases hereof be declared invalid or unconstitutional.

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by and Approved as to Form by


George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CHULA VISTA, CALIFORNIA this 9th day of December,
1975, by the following vote, to-wit:

AYES: Councilmen Scott, Hobel, Hamilton, Hyde, Egdahl
NAYES: Councilmen None
ABSENT: Councilmen None



Mayor of the City of Chula Vista

ATTEST 

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, City Clerk of the City of Chula Vista,
California, DO HEREBY CERTIFY that the above and foregoing is a full,
true and correct copy of _____ and
that the same has not been amended or repealed.

DATED _____

City Clerk

(SEAL)