

ORDINANCE NO. 1684

AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY ADDING CHAPTER 1320 RELATING TO PROPERTY NUISANCE

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS
FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is amended by adding Chapter 1320
to read, in its entirety, as follows:

Chapter 1320 PROPERTY NUISANCE

SECTIONS:

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1320-10 Title

1. This chapter shall be known as the "Sutter County Property Nuisance Code," and may be cited as such.

1320-20 Purpose and Intent

- a) This chapter is adopted to achieve the following goals:
1. To protect the public health, safety, and welfare of the communities and citizens in the county of Sutter; and
 2. To provide a comprehensive method for the identification and abatement of property nuisances within the county; and
 3. To provide a method to hold parties responsible who fail or refuse to comply with the provisions and or terms of the Sutter County Ordinance Code; and
 4. To minimize the expense and delay where otherwise the county must pursue responsible parties in the civil or criminal justice system.
- b) Property nuisances can create visual blight or lead to neighborhood decline, causing detriment to surrounding properties and depreciating the value of those properties. In addition, as to abandoned, unsecured or partially constructed buildings, the Board of Supervisors finds that such buildings and properties represent threats to public health, safety and welfare because they invite trespassers, represent fire hazards because a fire can begin unobserved, can become harborages for vectors and rodents, can become littered or dumping ground or can encourage criminal activity because the property is unsupervised.
- c) The procedures established in this chapter shall be in addition to criminal, civil or any other legal remedy established by law and available to address violations of the Sutter County Ordinance Code (hereinafter, "code").
- d) Notwithstanding any other provision of this code, whenever an act, event or condition results in violation of certain chapters of the code, the procedures set out in this chapter may be used to impose a penalty on violators.
- e) Therefore, this code is enacted to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

1320-30 Findings

The Board of Supervisors finds as follows:

- a) It is imperative to establish enforceable minimum standards for buildings and properties and to provide a program for enforcing these standards.

- b) Complaint initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community.
- c) Violators of the State Housing Law must bear the largest feasible share of the cost of housing code enforcement.
- d) All dwellings or portions thereof which are determined to be substandard are hereby declared to be public nuisances and shall be abated by repair, demolition or vacation in accordance with the procedure specified in Article 4 of this chapter, or in any other manner provided by law. This chapter satisfies the County's legal obligations under the State Housing Law.

1320-40 Scope

- a) The provisions of this chapter shall apply to all new and existing buildings or properties or portions thereof located in the unincorporated area of Sutter County. This chapter is not an exclusive regulation of housing or property within Sutter County. It shall supplement, be accumulative with, and be in addition to any and all regulatory ordinances, County, State, or Federal law existing or hereafter enacted by the County, the State or Federal government or any other legal entity that may have jurisdiction.

1320-50 Definitions

For purposes of this chapter, the following definitions shall apply:

A. "A" Definitions.

- 1. "Abandoned Building" shall mean any building or structure or portion that has been vacant in excess of six months. Lack of utility services and/or boarded windows and doors shall constitute prima facie evidence of the abandonment.

B. "B" Definitions.

- 1. "Building" shall mean a structure or part thereof.
- 2. "Building Code" is the Current International Building Code pursuant to Sutter County Code of Ordinance Chapter 1300-020

C. "C" Definitions.

- 1. "Clerk" means the Board of Supervisors Clerk, or his or her designated representative.
- 2. "Complaint" means notification by any person, lodged with the Code Enforcement Division of the Sutter County, of a violation or a suspected violation of the housing code or this chapter.

D. "D" Definitions.

1. "Demolish" means to destroy a building and to remove all debris and waste the lot on which the building stood.
2. "Department" means the Development Services Department of Sutter County.
3. "Director" shall mean the Director of Sutter County Development Services or his or her designated representatives.
4. "Displaced." A tenant is "displaced," within the meaning of this chapter, if the tenant is ordered to move out of a rented dwelling unit or structure by an order to vacate issued by the County.
5. "Dwelling" shall mean any building, or structure, or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto, including those which are rented or leased for any term or duration, type or tenure.
6. "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

E. "E" Definitions.

1. "Electrical Code" is the current National Electrical Code as adopted and as modified by Sutter County Ordinance 1300-050.
2. "Enforcement" means diligent effort to secure compliance or abatement, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this chapter, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and efforts to secure compliance as to such existing buildings.
3. "Energy Code" is the current California Energy Code as adopted by Sutter County Ordinance 1300-050.

F. "F" Definitions.

1. "Fire Chief" shall mean the Fire Chief of Sutter County District Fire Department.
2. "Fire Code" is the current International Fire Code as adopted by Sutter County Ordinance Chapter 600 et al.

G. "G" Definitions.

1. "Graffiti" shall mean any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any real or personal property, as defined in Cal. Gov't Code § 53069.3.

2. "Green Building Code" means the current California Green Building Code as adopted and modified by Sutter County Ordinance 1300-090.

H. "H" Definitions.

1. "Hearing Officer" means an active member of the Bar of the State of California appointed by the Board of Supervisors to hear matters as provided for and described in this chapter. The Hearing Officer shall also serve as the housing appeals board as that term is used in the State Housing Law.
2. "Housing code" means this chapter and includes the Building Code, the Fire Code, the Green Building Code, the Electrical Code, the Mechanical Code, the Plumbing Code, the State Housing Law, and the Uniform Housing Code.

I. Reserved.

J. "J" Definitions.

1. "Junk Yard" means Any building, equipment, land, lot, place, premises, or structure where, at, upon which, to which, or from which is abandoned, baled, bartered, bought, brought, bundled, disassembled, disposed of, exchanged, handled, packed, processed, shipped, sold, stored, or transported any junk, as defined by Cal. Sts. and High. Code § 746, or any castoff, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out, or wrecked object, thing, or material composed in whole or in part of asphalt, brick, carbon, cement, cotton, dirt, fiber, glass, metal, paper, plaster, plaster of paris, plastic, rubber, terra cotta, wool, wood, or other substance, including, but not limited to, used, discarded, or obsolete batteries, clothing, debris, equipment, floor coverings, garbage, logs, lumber, rags, rope, rugs, trash, vegetation, vehicles, or waste. JUNK YARD shall not include any business lawfully engaged in the buying or selling of new or used furniture or usable household equipment, or buying and selling used automobiles in operable condition, or the storage or use of used or salvaged materials in connection with manufacturing operation conducted on the premises, provided such businesses are located within a zone permitting such business and conducted in accordance with all applicable regulations.

K. Reserved.

L. "L" Definitions.

1. "Landlord" means an owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any dwelling, or the agent, representative, or successor of any of the foregoing.

M. "M" Definitions.

1. "Mechanical Code" is the current International Mechanical Code adopted pursuant to Sutter County Ordinance Chapter 1300-030.

N. Reserved.

O. "O" Definitions.

1. "Occupant" shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.
2. "Occupied" shall mean any actions associated with living in or occupying a property including, but not limited to, sleeping, cooking, eating, bathing, and dressing.
3. "Order to vacate" means a written notice served by an authorized County official on the owner and posted on the affected property declaring that, due to failure to repair or maintain, the dwelling shall be vacated.
4. "Owner" means the owner of fee title to a dwelling unit.

P. "P" Definitions.

1. "Parties in interest" shall mean all persons, businesses, partnerships, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit, or who are in possession thereof.
2. "Person" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business, entity, trust, or the manager, lessee, agent, servant, officer, trustee, administrator or employee or any of them.
3. "Plumbing Code" is the current International Plumbing Code adopted pursuant to Sutter County Ordinance chapter 1300-040
4. "PREMISES." Shall include any tracts, lots or parcels of land; easements; single-family residences; town homes; condominiums; multiple-family dwelling; apartment; flat; duplex, boarding or lodging home; restaurant, hotel or motel; commercial or industrial establishment of any type; any structure; any parcel of land upon which a building or business is located; or any unimproved parcel of land.
5. "PROPERTY OWNER." Shall mean any person having legal or equitable title or interest in real property, including but not limited to any bank, mortgage company, financial institution or similar entity or lien holder that has control and dominion over the property.
6. "Program" means the housing code enforcement program created under this chapter.

7. "Proof of compliance" means documentation, on such form and in such manner as the Director may provide, that the deficiencies noted in the order or citation issued by the County have been corrected.
8. "Public record" shall mean deeds, mortgages and other instruments of record relating to land titles and recorded by the Sutter County Clerk-Recorder.

Q. Reserved.

R. "R" Definitions.

1. "Rental dwelling unit" means a dwelling unit rented for any tenure, type or price.
2. "Residential Code" means the current International Residential Code as adopted and modified by Sutter County Ordinance 1300-070.

S. "S" Definitions.

1. "State Housing Law" means Division 13, Part 1.5 of the Health and Safety Code (commencing at Section 17913) and Article I (commencing at Section 1) of Chapter 1, Title 25 of the California Code of Regulation.
2. "Substandard dwelling" shall have the same meaning as substandard building as set forth in Section 17920.3 of the Health and Safety Code, or any successor statute.

T. "T" Definitions.

1. "Tenant" means the individual or individuals occupying a rental dwelling unit.

U. "U" Definitions.

1. "Untenantable Rental Dwelling Unit." A rental dwelling unit shall be deemed "untenantable," for the purposes of this chapter, if it or the common area of the dwelling, structure, or premises in which it is located is the subject of a housing code citation or order pursuant to this chapter and substantially lacks any of the affirmative standard characteristics set forth in Section 1941.1 of the Civil Code.
2. "Utilities" means electrical, sewer, natural gas and water services provided by the local service provider or provided under other means as approved by finalized permit with the Sutter County Building and Safety Inspection Department.
3. "Uniform Housing Code" means the Uniform Housing Code, 1997 edition as adopted and modified by Sutter County Ordinance 1300-060.

V. "V" Definitions.

1. "Vacation date" means the date by which a tenant is required to vacate a rental dwelling unit, pursuant to an order by an authorized County official.

2. "VECTOR." Any animal or insect capable of transmitting the causative agent of disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, rodents and other vertebrates.

W. Reserved.

X. Reserved.

Y. Reserved.

Z. Reserved.

1320-60 Administrative Authority and Enforcement

- a) The Sutter County Development Services Department is hereby authorized to have all the duties, enforcement powers, and authority as established by Sutter County Ordinance 90-050.

1320-70 Violations

- a) Existence of a Nuisance. All dwellings, properties, or any portions thereof, shall be maintained, repaired or reconstructed in accordance with the Housing code. Any dwelling, property, or portion thereof, which does not meet the standards herein is declared to be a public nuisance and a misdemeanor and shall be abated through correction, repair, reconstruction or demolition in accordance with applicable provisions of this chapter.
- b) Rent or Lease of Substandard Dwelling. It shall be unlawful and a violation of this code for the owner(s) or parties in interest of any dwelling, property, or portion thereof, that is a nuisance to rent or lease, or to offer for rent or lease the substandard dwelling, or any portion thereof.
- c) Failure to Obey Notice and Order. It shall be unlawful and a violation of this code for any owner to fail or refuse to comply with the terms and provisions stated in any notice and order issued under this chapter.
- d) Removing Notice and Order without Inspection. It shall be unlawful and a violation of this code for any individual to remove a notice to vacate attached to the structure of a vacant dwelling unit which is the subject of a pending enforcement action under this chapter, until such dwelling unit has been inspected by the County for housing code compliance, and has passed such inspection, and written evidence thereof has been received.
- e) Any residential dwelling shall be considered substandard and uninhabitable should the dwelling not possess an operable connection to all utilities as permitted by the County. It shall be unlawful for any substandard dwelling as defined here to be occupied until operable utility connections have been established.

- f) Removing Boards. It shall be unlawful and a violation of this code for any person to remove, deface or destroy any boards placed by the Director pursuant to a Sutter County Ordinance without prior written permission of the Director.
- g) Any violation of this Chapter is a public nuisance and a misdemeanor offense unless otherwise determined by the code, the Code Enforcement Officer, or the Office of the County Counsel.

1320-80 General Property Nuisance

It shall be unlawful and a public nuisance for any property owner or any person leasing, occupying or having possession or control or dominion of any premises in this county to maintain such premises or to permit, suffer or allow such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following divisions are found to exist:

- (a) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;
- (b) Any condition in violation of the California Building Code, National Electrical Code, California Mechanical Code, Uniform Housing Code, Health and Safety Code § 19720.3, California Plumbing Code, Uniform Code of Abatement of Dangerous Buildings, California Fire Code, Uniform Security Code, Title 24 of the California Code of Regulations, or the State Building Standards Code, as adopted by reference in this Code, subject to any amendments, additions or deletions made thereto;
- (c) Any condition in violation of any section or division of the Sutter County Ordinance or county rule or regulation or permit issued by the county;
- (d) Any condition in violation of any rule, regulation, standard or other requirement of the air pollution control district in which the county lies;
- (e) Any condition recognized in law or in equity as constituting a public nuisance, including, but not limited to, Cal. Civ. Code § 3480, Cal. Penal Code §§ 11225 - 11235, and Cal. Health and Safety Code § 11570; or

Any condition that 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 an entire community or neighborhood, or by any considerable number of persons, or that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin, or any public park, square, street or highway.

1320-90 Specific Property Nuisance

It is unlawful and a public nuisance for any property owner or any person leasing, occupying or having possession or control or dominion of any premises in this county to

maintain such premises or to permit, suffer or allow such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following divisions are found to exist, with such list not intended to be exclusive:

(A) Property inadequately maintained.

1. The keeping, storage, depositing or accumulation on the premises of any personal property, including, but not limited to, abandoned, wrecked, dismantled, discarded or inoperable equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, solid waste, rubbish, trash and debris, dirt, sand, gravel, concrete or similar materials that is visible from the public right-of-way and:
 - a. Poses a risk of harm to the public; or
 - b. Constitutes visual blight or reduces the aesthetic appearance of the neighborhood; or
 - c. Is offensive to the senses; or
 - d. Is detrimental to the use and enjoyment of nearby properties; or
 - e. Reduces nearby property values due to the visibility from the public right-of-way.
 - f. However, wood and building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained may be stored for such period of time as is necessary expeditiously to complete the project not to exceed one year;
2. Premises on which overgrown, dead or decayed trees, weeds or other vegetation pose a risk of harm to the public, or constitute visual blight or reduce the aesthetic appearance of the neighborhood, or are offensive to the senses, or are detrimental to the use and enjoyment of nearby properties, or reduce nearby property values due to its visibility from the public right-of-way;
3. Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or otherwise not maintained, resulting in the water becoming polluted by excess bacterial growth or by the presence of garbage, refuse, debris, papers or any other foreign matter or material which creates an unhealthy or unsafe condition;
4. Maintenance of premises in such a manner that matter, including, but not limited to, smoke, odors, dust, dirt, paint spray, or debris, is permitted to be transported by wind or water or otherwise upon any street, course, alley, sidewalk or other public property or onto neighboring or adjacent properties so as to pose a risk of harm to the public, or to create a condition which is offensive to the senses, or

detrimental to the use and enjoyment of nearby properties, or reduces nearby property values;

5. Maintenance of Trees in such a manner that there is clearance of seven (7) feet over sidewalks and fourteen (14) feet over the streets;
6. Failure to install or to maintain landscaping required by this Code or other requirements of the county. Required landscape maintenance under this section includes, but is not limited to, providing adequate watering to maintain and prevent fire hazards such as dead and dying lawns or other landscaping plantings in all residential districts when any residential lawn or landscaping planting has been installed and is visible from the public right-of-way, except in the event that water rationing measures have been imposed;
7. Storage of solid waste, green waste or recyclable containers, receptacles or bins in front or side yards that are visible from the public right-of-way in excess of 48 hours, unless the Development Services Department Director grants an exception because the layout or configuration of the premises would impose a substantial hardship upon the property owner seeking to comply with this section, with such determination not subject to an appeal;
8. Premises on which any condition poses a potential fire hazard;
9. The placement, use, or maintenance of any clothesline in any front yard area of any premises visible from the public right-of-way;
10. Any vacant or undeveloped lot on which there is an accumulation of trash, rubbish, garbage, or debris;
 - a. Upon written notice to the owner of record, by mail to the last mailing address as listed in the county or county records, that the lot or parcel is the site of illegal dumping or contains trash, rubbish or garbage, the owner shall remove all such trash, rubbish, garbage or debris within the time stated in the notice.
 - b. Upon two or more violations of this section within a 24-month period, the property owner shall, at the owner's expense, erect a six-foot cyclone fence with posts in the ground, unless some other type of fence is approved by the Community Development Director, around the vacant lot or parcel to prevent illegal dumping and/or the unlawful accumulation of trash, rubbish, garbage, or debris and/or unauthorized entry within 30 days of the second Notice and Order.
 - c. If the property owner, after being given written notice that a fence is required, fails to erect such fence within 30 days of date of the written notice, the county may apply for an abatement warrant to erect such fence, and upon obtaining the warrant may erect the fence. All costs of obtaining the warrant (including attorneys' fees) and erecting the fence

shall, at the county's sole election, be placed on the property as a special assessment lien or collected as a debt against the property owner.

- d. It is unlawful for any person or entity to remove, damage, breach or in any way interfere with a fence erected under this section. The property owner shall at all times properly maintain such fence, including repair or replacement, in the event of damage or deterioration.
- e. The property owner may apply in writing to the Director of Development Services to remove a fence erected under this section in the event the lot is being developed and all necessary grading or building permits have been obtained. Such permission shall not be withheld if such permits have been issued or if the lot or parcel is no longer vacant.

(B) Buildings or structures in a state of disrepair.

- 1. Any building or other structure, including, but not limited to, walls, fences, signs or retaining walls, which are broken, deteriorated, or substantially defaced (including defacement by markings commonly referred to as "graffiti") so that the disrepair poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values due to its visibility from the public right-of-way;
- 2. Any building or structure having dry rot, warping or termite infestation or any building or structure on which the condition of the exterior finish has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation so that the disrepair poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values.

(C) Abandoned, unsecured or partially constructed buildings.

- 1. Any vacant building, structure or other property that is unlocked or unsecured or has broken or missing doors or windows or other unsecured openings allowing unauthorized access by trespassers, or constituting a potential attraction to children or a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort to committing nuisance or other criminal activities:
 - a. Except as provided below in division (b), no building or structure shall be left in a boarded up and/or vacant condition in excess of six months unless a valid building permit has been issued and work under that permit is taking place to facilitate reoccupation of the building or to demolish it. In any event, the vacant structure must be maintained in compliance with this Code to prevent a blighted appearance of the premises.

- b. The Board of Supervisors hereby finds that economic conditions can reasonably cause commercial buildings to remain vacant in excess of six months. However, the vacant commercial structure shall be maintained in such a manner so as to not create a public nuisance. This shall include, but is not limited to, maintaining the exterior of the structure in good repair, maintaining the landscaping, keeping the property free of litter, trash and graffiti, and in securing the property in compliance with division (a) above. Due to the demand for housing, the Board of Supervisors finds that there generally is not a similar real estate justification for residential dwellings to remain vacant in excess of six months.
- 2. Any building or structure permitted to remain in a state of partial construction, reconstruction or demolition, whether the partial demolition is due to manmade or natural causes such as fire or earthquake, so that it poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values;
 - a. No partially constructed, reconstructed or demolished structure shall be considered in a state of partial construction if there exists a valid and current building or demolition permit and substantial work has been done pursuant to such permit within the immediately preceding 180 days.
 - b. No building permit shall be extended or renewed beyond one year of the date of the issuance of the original permit, unless the Building Official has made a good cause determination that additional time is necessary due to the scope of the construction and the delay is due to circumstances beyond the control of the owner or contractor, not including financial considerations. In no event shall any structure be permitted to remain in a partial state of construction in excess of two years.
- (D) Parking and storage of vehicles and equipment.
 - 1. Any outdoor parking or storage of any inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof, including watercraft so that it is within the view from the public right-of-way:
 - a. Any vehicle that is not currently registered with the California Department of Motor Vehicles to operate legally on a public street is deemed inoperable for purposes of this section.
 - b. Lawfully operating junk yards are exempt from this section provided such businesses are located within a zone permitting such business and conducted in accordance with all regulations applicable thereto.
 - 2. Parking or storage of motor vehicles or other mobile equipment in any area not designated as a parking space on the approved site plan or on any unpaved

surface including, but not limited to, dirt, grass or any other surface that is not concrete or a similar paving material.

3. Storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for residential uses so that it is within the view from the public right-of-way except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.

(E) Hazardous and attractive nuisances.

1. Any building, object or condition, whether natural or man-made, which due to its accessibility to the public or potential attraction to children poses a hazard, including, but not limited to, abandoned, unsecured, unused or neglected motor vehicles, machinery, appliances or equipment, abandoned or unprotected wells, shafts, foundations, or basements, hazardous or unprotected pools, ponds, construction sites, or excavations, and stored chemicals, gas, oil, or toxic or flammable substances;
2. Erosion, subsidence, or surface water drainage problems which are hazardous or injurious to the public or to adjacent properties whether caused by grading operations, excavations or fill or as a result of the topography, geology or configuration of the land in its natural state;
3. Any unlawful storage or release of hazardous materials or wastes.

(F) Control of vectors including insects and rodents.

1. Any artificial alteration of premises, excluding water, from its natural condition, resulting in it supporting the development, attraction, or harborage of vectors, with the presence of vectors in their developmental stages on premises being prima facie evidence that the premises is a public nuisance;
2. Any water that is a breeding place for vectors, with the presence of vectors in their developmental stages in the water being prima facie evidence that the water is a public nuisance;
3. Any activity or condition that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.

- (G) Paint, paintings or signs. Any condition or maintenance of property in a manner that is unreasonably offensive to the senses or that substantially detracts from the aesthetic or economic values of neighboring properties, including but not limited to painting in a garish manner or obscene paintings or signs.

1320-100 Commercial Property Nuisance

- (A) For the purposes of this chapter, COMMERCIAL PROPERTY means non-residential retail or office projects, or non-residential condominiums, whether occupied or vacant, which have separate parcels within the project.
- (B) The Board of Supervisors finds that commercial projects, and commercial condominiums, can constitute public nuisances when the maintenance of improvements is not performed in a coordinated and uniform manner. The requirements and standards specified in this section are designed to prevent such projects from becoming public nuisances due to visual blight, safety hazards and other blighting conditions.
- (C) Commercial property as defined herein shall be required to use a property management firm, or such other arrangement as may be approved by the Community Development Director, for the collection of service fees and charges and property maintenance providers.
- (D) Landscape maintenance and litter control shall be provided for all portions of the project in a uniform and consistent manner, including regular weed abatement and litter control on developed and undeveloped parcels or portions of the projects. Maintenance standards are as specified in division (G) of this section.
- (E) Maintenance for common areas:
 - 1. Parking lots shall also be provided in a uniform and consistent manner to ensure that parking lot surfaces and striping are maintained without holes and surface defects.
 - 2. All lights are functioning.
 - 3. Shopping carts are properly stored.
 - 4. Exterior signage (i.e. building and monument signage) is maintained.
 - 5. Building exteriors (i.e. awnings and canopies) are maintained and painted to present a good appearance.
 - 6. Free of graffiti.
 - 7. All trash and recycling enclosures and receptacles shall be maintained at all times in a clean condition with lids or tops in place at all times.
- (F) An occupant or tenant of the premises shall be responsible, in the same manner as the property owner, for compliance with this section regarding exterior maintenance of the occupied premises and any landscaping, stormwater/erosion control measures, signs, trash enclosures, parking facilities, temporary fencing, and other appurtenances directly attributed or allocated to the subject premises.

(G) The following criteria shall be the minimum landscape and litter control criteria and standards for properties subject to this section:

1. Regular mowing of turf areas during growing season;
2. Weeds over three inches tall will be removed;
3. Plant material not to cover any part of sidewalks or walkways;
4. All plant material maintained in a healthy, growing condition, in compliance with approved landscape plan for the project where applicable;
5. Shrubs and trees maintained so as to avoid "hiding places";
6. Dead plant material removed and replaced, in compliance with the approved landscape plan for the project where applicable;
7. Litter and landscape debris removed from site, not blown on street or sidewalk;
8. Litter removal performed daily or as otherwise approved in writing by Community Development staff;
9. Trees maintained to standards of International Society of Arboriculture;
10. Trees maintain clearance seven (7) feet over sidewalks and fourteen (14) feet over the streets;
11. Irrigation systems maintain on routine schedule approved by staff;
12. Irrigation problems repaired promptly;
13. All work to be performed by trained professionals;
14. All pesticide applications performed by State Certified Applicator;
15. Pest control as required by Integrated Pest Management criteria;
16. Exterior tobacco ash receptacles shall be kept emptied and clean.

1320-110 Substandard Housing Nuisance

In addition to the conditions described in Sutter County Ordinance Section(s) 1320-70 through 1320-100, constituting a substandard dwelling, a building will be considered a substandard dwelling if one (1) or more of the following conditions or defects are present in any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof:

(A) Inadequate sanitation which shall include, but not be limited to, the following:

1. Lack of or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
2. Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of or improper kitchen sink.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating in accordance with the latest edition of the California Building Code.
7. Lack of, or improper operation of, required ventilating equipment in accordance with the latest edition of the California Building Code.
8. Lack of minimum amounts of natural light and ventilation required in accordance with the latest edition of the California Building Code.
9. Room and space dimensions less than required in accordance with the latest edition of the California Building Code.
10. Lack of required electrical lighting as required by the Uniform Housing Code as required under Sutter County Ordinance 1300-060.
11. Excessive dampness of habitable rooms.
12. Infestation of insects, vermin, or rodents.
13. General dilapidation.
14. Lack of connection to functional sewage disposal system as required under Sutter County Ordinance 1300-060.
15. Lack of adequate garbage and rubbish storage and removal as required under Sutter County Ordinance 1300-060.

(B) Structural hazards which shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

6. Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
 7. Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 8. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (C) Electrical wiring that does not conform with all applicable laws in effect at the time of installation and/or is not maintained in good, safe and properly working condition.
- (D) Hazardous plumbing, which shall include, but is not limited to the following:
1. Any trap which is defective, unprotected against siphonage and back-pressure by vent pipe or does not have a functional sanitary trap seal;
 2. Any plumbing fixture or other waste-discharging receptacle or device which is not supplied with sufficient water for flushing to maintain it in a clean condition; and
 3. Any other plumbing condition which is sanitarily unsafe to any person who may occupy the building.
- (E) Mechanically operated equipment, which shall include, but not be limited to, appliances, appliance venting, duct and ventilation systems, and HVAC systems that does not conform to all applicable laws in effect at the time of installation and/or is not currently in good and safe working condition to establish the minimum acceptable level of safety to protect life and property from the potential dangers associated with the installation and operation of mechanical operated equipment associated with a dwelling.
- (F) Faulty weather protection, which shall include, but not be limited to, the following:
1. Deteriorated, crumbling, or loose plaster.
 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
 3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 4. Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

- (G) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of a fire or explosion.
- (H) Those premises on which a significant accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and/or similar materials or conditions exist constituting a fire, health, or safety hazard.
- (I) All buildings or portions thereof not provided with adequate exit facilities as required by the California Building Code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.
- (J) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

1320-120 Commencement and Notice

- a) Commencement of Proceedings. Whenever the Enforcement Officer has inspected or caused to be inspected any dwelling or property, and has determined that a violation of this chapter exists, the same being declared to be a public nuisance, the Director shall institute any appropriate action or proceedings to abate the violation by correction, removal, repair, rehabilitation, vacation or demolition of the building consistent with the procedures established herein or otherwise available by law.
- b) Notice must be issued pursuant to Sutter County Ordinance 87-160.

1320-130 Enforcement

- a) Correction/Removal. If the Director has determined that a General or Specific Property Nuisance must be corrected as specified in the Notice and Order, and corrections shall actually commence within ten (10) days from the date of the order, and shall be completed within such time as the Director shall determine is reasonable under all of the circumstances, including the purposes and intent for enactment of this chapter.
- b) Repair. If the Director has determined that a dwelling or property must be repaired, then the Director shall order the dwelling or portion thereof to be repaired, that all required permits be secured therefor, and that the repair work shall actually commence within ten (10) days from the date of the order, and shall be completed within such time as the Director shall determine is reasonable under all of the circumstances, including the purposes and intent for enactment of this chapter.

- c) Vacation. If the Director has determined that the building or property or portion thereof is in such condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property, the order shall require that the building or portion thereof shall be vacated within a time certain from the date of the order as determined by the Director to be reasonable under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent for enactment of this chapter.
- d) Securing Against Entry. If the building or property is to be vacated, the Director shall require also that the building or portion thereof be boarded and fenced against entry as provided by the 2018 International Property Maintenance Code, Appendix A adopted herein as Ordinance 1320-120(c).
- e) Eliminate Risk of Hazardous Material. If, following an inspection of a building or property or any portion thereof, the Director determines, in writing, that there is reasonable cause to believe that, because of the presence of friable asbestos or other hazardous material, there is a serious risk to the life, health, property, safety, or welfare of its occupants, the public, or the adjacent neighborhood, then the Director may order the owner of the building or the portion thereof to take all steps necessary to eliminate the risk within a time certain from the date of the order as determined by the Director to be reasonable under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent for enactment of this chapter. To confirm the elimination of the risk, the owner of the building or portion thereof shall, at his or her expense and within the same time certain as established in the order, obtain the services of a qualified health professional acceptable to the Director to perform a comprehensive site assessment and prepare a written report to the Director detailing the absence of the risk.

1320-140 Owner's Election

- a) Owner's Choice. Upon issuance of a notice and order, the owner shall have the choice of correction, removal, repairing or demolishing the dwelling or property or portion thereof at issue. However, if the owner chooses to repair the dwelling, the Director shall require that the dwelling be brought into compliance according to a reasonable and feasible schedule for expeditious repair.
- b) The responsible party and/or premises owner and/or person in possession or control of the premises involved may voluntarily abate the violation(s) of this code at any time. If a party claims such voluntary abatement has occurred, they shall notify the Enforcement Official who shall then inspect the premises involved to confirm the voluntary abatement. Voluntary abatement does not preclude the Enforcement Official, or any other party allowed by law, from pursuing legal or equitable action against the resident and/or property owner for the violation(s) of this chapter or from pursuing actual cost of all time, services, and materials associated with enforcement and/or abatement of violation(s) of this code.

1320-150 Vacate

- a) If the Director has determined that the dwelling or portion thereof is in such a condition as to make it immediately dangerous to the life, health, property or safety of its occupants, the public or adjacent property, the Director shall order that the dwelling, or portion thereof, shall be vacated within a time certain from the date of the order as determined reasonable by the Director under all of the circumstances, including the safety of the occupants and the public, as well as the purposes and intent of this chapter.
- b) Conditions that would cause a determination that the dwelling is immediately dangerous include, but are not limited to, violations of Sutter County Ordinance 1320-110.
- c) The Director shall not require the vacating of a dwelling unless the Director concurrently requires expeditious demolition or repair to comply with the housing code. Expeditious repair or demolition may be required when conditions exist that violate this Chapter.
- d) Securing. Whenever the Director determines that a substandard dwelling constitutes an immediate threat to the public health or safety, the Director may secure the structure in accordance with the provisions in Sutter County Ordinance 1350-070.
- e) Notice. The Director shall give notice of this order as provided by Sutter County Ordinance 87-160 concerning method of service and shall post such order as herein described. Additionally, the Director shall post at or upon each exit of the dwelling notice in the substantially following form:

UNSAFE TO OCCUPY

This building located at _____ has been found to be in violation of the California Health and Safety Code, section 17920.3 and Sutter County Ordinance Chapter 1320-110 and is hereby declared to be SUBSTANDARD and UNINHABITABLE. It is unlawful to occupy or allow occupancy of this building without inspection by the Sutter County Code Enforcement Division.

REASON FOR POSTING: _____

It is a misdemeanor to occupy this building or to remove or deface this notice per Sutter County Ordinance Chapter 1320-070 and Penal Code section 616. For more information, contact the officer listed below.

Officer

Telephone

Date

- f) Compliance. Whenever such notice is posted, or a structure boarded, the Director shall include a notification thereof in the notice and order reciting the existence of an immediate danger requiring the need to keep the premises unoccupied and specifying the conditions which cause the immediate danger. No person shall remain in or enter any dwelling which has been so posted, except that the entry may be made to repair, demolish or remove such dwelling under a proper permit issued by the Director. No person shall remove or deface any such notice after it is posted until the required repairs or demolition have been completed and approved by the Director as meeting the housing code and the other applicable standards of this chapter. No person shall remove or deface any boards without the prior written permission of the Director. Any person violating this subsection may be charged with a misdemeanor offense

1320-160 Administrative Hearing

- a) Administrative Hearing: Pursuant to Government Code sections 25845, subdivision (i), 27721 and 53069.4, after issuance of an Administrative Citation the Administrative Hearing Officer shall hold an administrative hearing to determine whether the conditions existing on the property subject to the notice constitute a violation of this Chapter and whether there exists any good cause as to why the proposed administrative penalty should be reduced or not imposed.
- b) Compliance. This hearing will comply with, and occur, in the manner prescribed pursuant to Sutter County Ordinance Chapter 87.

1320-170 Penalties for Failure to Comply

- a) Any person violating this code may be charged with a misdemeanor offense and/or administrative penalty as provided in Sutter County Ordinance 87-110.
- b) Fines. The County may seek, in addition to all other remedies available at law, criminal sanctions, contempt and other penalties provided for under Chapter 6, Division 1.5 (commencing at Section 17995) of the Health and Safety Code.
- c) Costs of Enforcement/Collection. In addition to any penalty, sanction, fine or imprisonment, each person who violates the provisions of this chapter, or who is convicted of any violation of any provision of this chapter, or who fails to comply with any regulation adopted pursuant to this Code, shall be required to pay any and all expenses of enforcement including those costs necessary to bring the dwelling, building or portion thereof into compliance with this chapter and any regulation adopted pursuant to this Code. In addition to all remedies herein contained, the County may pursue all reasonable and legal means in collecting those sums authorized and due. Such fees will begin to accrue the day the costs are accrued by the County, with interest compounding as permitted.
- d) Separate Offense for Each Day of Violation/Continuing Violation. Each person violating this chapter shall be guilty of a separate offense for each and every day

during any portion of which any violation of any provision of this chapter or a failure to comply with any regulation adopted pursuant to this Code is committed, continued, or permitted by any such person. Any violation which persists for more than one (1) day is deemed a continuing violation for the purpose of this chapter and shall be subject to additional administrative citations, penalties, costs and fees.

- e) **Attorneys' Fees.** Pursuant to Section 25845 of the Government Code, attorneys' fees may be recovered by the prevailing party. However, 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 County in the action or proceeding.
- f) **Abatement Recovery Costs.** The county is authorized to recover any and all costs associated with the county abating such violation pursuant to Sutter County Ordinance 90-090. These costs may be assessed against the parcel.

1320-180 Authority to Abate

- a) If after any order of the Director, and as affirmed by the Hearing Officer, made pursuant to this chapter have become final, a person to whom any such order is directed has failed, neglected or refused to obey such order the Director is authorized to abate the nuisance through repair, demolish, vacation, or any other appropriate action or proceeding if any of the following occur:
 - 1. The repair work is not done as scheduled.
 - 2. The owner does not make a timely choice of repair or demolition, as approved in writing by the Director.
 - 3. The owner selects an option which cannot be completed within a reasonable period of time, as determined by the Director, for any reason, including, but not limited to, an outstanding judicial or administrative order.
- b) Following abatement, the Enforcement Official shall add the costs of abatement to the statement of expense prepared pursuant to Ordinance 87-140 if they are not otherwise recovered.
- c) Notwithstanding any other provision of the Sutter County Ordinance Code, when any violation, whether or not subject to the State Housing Law, constitutes an immediate threat to public health or safety, and when the procedures set forth in the Code would not result in abatement of that nuisance within a short enough time period to avoid that threat, the enforcing officer may direct any officer or employee of the county to summarily abate the nuisance. The Enforcement Officer shall make reasonable efforts to notify the persons identified on the title of the property, but the formal notice and hearing procedures set forth in the code shall not apply. The county may nevertheless recover its costs for abating that nuisance.

1320-190 Nonexclusive Remedies

- a) The provisions of this chapter and the remedies provided herein are in addition to, and do not supersede or limit, any and all other remedies or proceedings, civil, criminal, or administrative.

SECTION 2: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in the Appeal-Democrat, a newspaper of general circulations, printed and published in the County of Sutter, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED this 27th day of July 2021, by the Sutter County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Micheli, Flores, Ziegenmeyer, Bains, and Conant

NOES: None

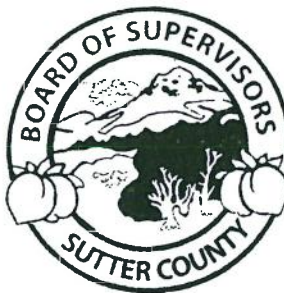
ABSTAIN: None



DAN FLORES, CHAIR
BOARD OF SUPERVISORS


ATTEST:
DONNA JOHNSTON, CLERK

By: 
Deputy



FILED

JUL 28 2021

BOARD OF SUPERVISORS
DONNA M. JOHNSTON
Clerk of the Board
By:  Deputy