

ORDINANCE NO. 806

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
REPEALING AND REPLACING CHAPTER 8.12 (PUBLIC NUISANCES) TO
TITLE 8 (HEALTH AND SAFETY) OF THE SUISUN CITY MUNICIPAL
CODE**

WHEREAS, the City of Suisun City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, Cal. Const. Art. XI, section 7.

WHEREAS, the City Council of the City of Suisun City finds that certain conditions constitute a public nuisance and are a threat to the public peace, safety, and welfare of the City.

WHEREAS, by declaring that violations of the Suisun City Municipal Code constitute a public nuisance, the City Council has determined that violations of the City's laws constitute a threat to the public health, safety, and welfare.

WHEREAS, Sections 36901, 38771 and 38773.5(a) of the Government Code authorize the City to enact ordinances declaring what constitutes a public nuisance and the procedures for abating nuisance conditions, as well as providing for the recovery of costs and attorney fees to abate the nuisance and for the collection of civil penalties.

WHEREAS, Chapter 13 of Part 2 of Division 3 of Title 4 of the California Government Code, beginning with Section 39501, authorizes local procedures for weed abatement.

WHEREAS, the City Council finds that ensuring compliance with the Suisun City Municipal Code and other regulations is vital to the protection of the public's health, safety, and quality of life throughout the City, and is an important public service.

WHEREAS, the City Council desires to enhance and promote the maintenance of property and the enhancement of the livability, appearance, and the social and economic conditions of the community.

WHEREAS, the City Council finds that an effective code compliance program eliminates and prevents the spread of blight, deterioration and crime, makes neighborhoods safer and more livable, and promotes economic development and pride in the community.

WHEREAS, the City Council recognizes that an effective code compliance program requires the drafting and adoption of regulations that can be effectively applied by City personnel in a fair and expedient manner.

WHEREAS, the City Council has determined that it is in the public interest to adopt this ordinance, which expressly declares that any and all violations of the Suisun City Municipal Code constitute public nuisances, in order to facilitate the City's ability to protect the health, safety, and general welfare of the public through the use of the nuisance abatement procedures set forth in the Suisun City Municipal Code and in other applicable laws, rules and regulations.

WHEREAS, the City Council has an interest in maintaining the City of Suisun City in an orderly and esthetically pleasing condition, to keep property values in line with neighboring communities and to improve the quality of life for its residents, businesses, and visitors.

1 **WHEREAS**, the City Council has determined that the adoption of this ordinance is
2 necessary to achieve a more comprehensive code compliance program that will permit City
3 personnel to immediately proceed with code compliance efforts in an expedient, efficient and
4 fair manner for purposes of effectively protecting public health and safety.

5 **NOW THEREFORE**, the City Council of the City of Suisun City does ordain as
6 follows:

7 **SECTION 1.** The above recitals are correct and are incorporated by reference.

8 **SECTION 2.** Chapter 8.12 (Public Nuisances) of Title 8 (Health and Safety) of the Suisun
9 City Municipal Code is repealed in its entirety and replaced with the following:

10 **Chapter 8.12 Public Nuisances**

11 **Article I. Nuisances Declared**

12 **8.12.100 Violations of Municipal Code; Emergency Orders.**

13 A. Any violation of any provision of the Suisun City Municipal Code is hereby declared to
14 be a public nuisance.

15 B. Any violation of a State of California, Solano County, or Suisun City Emergency Order
16 and/or Declaration shall constitute a public nuisance.

17 **8.12.104 Property Maintenance.**

18 It shall be unlawful for any responsible party in the City to maintain real property in a manner
19 that any of the following conditions are found to exist thereon, except as may be allowed by the
20 Suisun City Municipal Code or other applicable state or federal law or regulation. Conditions
21 that meet one or more of the following criteria are declared to be public nuisances per se, and
22 subject to abatement and cost recovery as prescribed in this chapter. These conditions
23 substantially detract from the appearance of the immediate neighborhood, reduce the property
24 value in the immediate neighborhood, are an attractive nuisance, are materially detrimental to
25 nearby properties and improvements, are a visual blight, are offensive to the senses, or are
26 otherwise dangerous to public health, safety, or welfare.

27 A. Buildings and structures. Buildings and structures that are abandoned, vacant, partially
28 destroyed, constitute a fire hazard, left in an unreasonable state of partial construction,
structurally unsafe, or are otherwise dangerous, attractive nuisances, or not in compliance with
current building codes; buildings and structures that have become so deteriorated as to permit
decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.
“An unreasonable state of partial construction” means any unfinished building or structure
where the owner has been given written notice to complete the building or structure by the
City’s building official, but fails to complete construction and obtain final approval from the
City in accordance with applicable laws and regulations within the time period provided by the
City’s building official. The California Building Code, Uniform Code for the Abatement of
Dangerous Buildings, and the California Health and Safety Code shall apply to the
determination of whether a building is dangerous.

1 B. Broken windows. Buildings with windows containing broken glass or no glass at all
2 where the window is of a type which normally contains glass.

3 C. Building Codes. Violations of the Suisun City Uniform Codes, the International
4 Property Maintenance Code, and the California Abatement of Dangerous Buildings Code, and
5 violation of any other law or regulation that the City Council may adopt by reference.

6 D. Building materials and household fixtures, furniture, and equipment. Used or damaged
7 lumber, junk, trash, debris, concrete, scrap metal, salvage materials and abandoned, broken,
8 discarded, or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures
9 or equipment (i) stored so as to be visible at ground level from a public street, alley, or from an
10 adjoining property, or (ii) stored in a manner out of view but in an unsecured area accessible to
11 minors, or (iii) stored in a manner as to harbor rodents, insects, or other vermin or (iv)
12 constitutes a fire hazard.

13 E. Building residue. Residue from a fire or demolition such as concrete or brick
14 foundations and flatwork.

15 F. Burning garbage, non-seasoned wood, or certain materials. The following materials
16 shall not be burned in a wood-burning or other device: garbage, treated wood, non-seasoned
17 wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum
18 products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water
19 driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in
20 a wood burning devise. Visible smoke emissions from a fireplace or other permitted wood
21 burning devise are allowed from the startup of a new fire for a period of 20 consecutive minutes
22 in any consecutive four-hour period.

23 G. Construction equipment. Construction equipment or machinery of any type, parked or
24 stored on a property when it is readily visible to the general public, except while excavation,
25 construction, or demolition operations covered by an active building permit are in progress on
26 the subject property or an adjoining property.

27 H. Deteriorated improvements. Walls, fences, hedges, driveways, sidewalks, walkways,
28 and similar improvements, which have become deteriorated, hazardous, defective, or unsightly.

I. Encroachments. Any encroachment onto public property for which no encroachment
permit has been issued, or which is in violation of the provisions of an encroachment permit or
any applicable law.

J. Garbage Containers. The leaving of any garbage, rubbish, recyclable, or green waste
container in any manner that violates the provisions of Chapters 8.08 or 8.10.

K. Graffiti. Graffiti or other defacing words, letters or drawings which remain in excess of
48 hours on the exterior of any building or fence or other structure that has not been removed
or covered with paint matching the structure that was defaced.

L. Hazardous Liquids and Other Substances. Any property with pooled or flowing
hazardous substances, including oil and similar liquids, which are not contained and maintained
on site in approved storage containers and pursuant to all applicable laws. Any property with

excessive accumulations of oil and similar liquids on paved surfaces, buildings, walls, or fences. Any property where a hazardous substance is deposited, stored, released, or discharged in violation of any law.

M. Hazardous Pools, Ponds, and Excavations. Pools, spas, hot tubs, ponds, or other artificially confined bodies of water, and excavations, maintained in a hazardous manner, which may affect the health or safety of the public, including providing a breeding place for mosquitoes and algae, failing to comply with state and safety requirements for pools and spas, and failing to take adequate measures to prevent public access to the area.

N. Human or Animal Waste. Human or animal urine or fecal matter that is disposed of has accumulated outside of approved toilets, receptacles, or equipment intended for the disposal of such matter, so as to create a hazardous condition.

O. Landscaping, Vegetation, and Landscape Materials.

(i) Front and visible side yards without acceptable landscaping, except for improved surfaces such as walks and driveways. Acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn, turf and/or other material determined to be acceptable or required by the city enforcement official. Landscaping must be maintained in good and tidy condition, and in accordance with any approved permit, site plan, or landscaping plan.

(ii) Dead, decayed, diseased or hazardous trees, weeds or tall grass more than 8 inches tall, except ornamental grasses or native plants, or overgrown vegetation which is a fire hazard or is likely to harbor rats, vermin, or other pests, constitutes an unsightly appearance, is detrimental to neighboring properties or property values, or protrudes over or across a city street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians.

(iii) The keeping, storage, depositing, or accumulation on the premises of dirt, sand, gravel, concrete, or other similar materials in a manner likely to harbor rodents, insects, or other vermin.

P. Land use entitlements. The failure to comply with any condition imposed on an entitlement, permit, contract, or environmental document issued or approved by the City in connection with a property or any improvement thereon.

Q. Offensive Odors. Stagnant water, refuse, rubbish, garbage, dead animal carcasses, offal, animal excrement or other materials, which emit odors that are unreasonably offensive to the physical senses of a reasonable person of normal sensitivity or which may cause or attract rodents, insects, or other vermin.

R. Accumulation of Personal Property. The keeping, storage, depositing, or accumulation of an excessive amount of personal property visible from a public street or alley and/or adjacent private property.

S. Public Right-of-Way. The keeping, storage, depositing, or accumulation of landscaping materials, sporting equipment, garbage cans, or any other personal property within the public right-of-way, including but not limited to greenways, landscaped medians, streets, sidewalks, and alleyways.

1 T. Safety Hazard. The maintenance of property in a manner that presents an imminent
2 safety hazard and/or creates a present and immediate danger to life, property, health, or public
3 safety.

4 U. Sewage. The failure to properly connect any inhabited improvements to a sewage
5 disposal system or sanitary sewer and/or permitting sewage seepage or discharge upon the
6 ground; failure to maintain a septic tank or sewer line, junction, or any fixture linked to a sewer
7 line such that seepage or discharge of sewage occurs.

8 V. Signs. Improper existence and maintenance of signs relating to uses no longer conducted
9 or products no longer sold on the property.

10 W. Storage Containers and Dumpsters. Storing or keeping boxes, containers, or dumpsters,
11 in excess of 72 consecutive hours, except when otherwise permitted by the Suisun City
12 Municipal Code or the City Manager, when engaged in ongoing construction activity.

13 X. Tarps and canopies. The keeping or using of tarps, canopies, or other similar items
14 intended to be used as a temporary protective cover or shelter in a state of disrepair or beyond
15 the intended use period, when the item is stored so as to be visible at ground level from a public
16 street, alley, or adjoining property. Temporary use items visible for more than 30 consecutive
17 days or, in the aggregate, 30 days in any calendar year shall be presumed to be beyond their
18 intended period of use.

19 Y. Tractor-trailers. Any semi-tractor-trailer truck, also known simply as a semi-trailer
20 truck, tractor-trailer truck, semi-tractor truck, semi-truck, big rig, 18-wheeler, trailer truck or
21 tractor truck, or combination of a tractor unit and one or more semi-trailers to carry freight
22 and/or exceeding 10,000 lbs, parked or stored on any driveway, street, an unimproved surface
23 or otherwise in violation of the Suisun City Municipal Code; unless parking or storage on the
24 street is authorized within the zoning district where it is parked or stored.

25 Z. Unpermitted Construction or Alterations. The building, construction, or placement of
26 any unpermitted structure or building, including but not limited to an unpermitted carport,
27 driveway entrance, patio cover, pergola or improvements to a previously approved structure or
28 building.

AA. Vacant properties. See Section 8.12.116, below.

BB. Vehicle Parts. The keeping, storage, depositing, or accumulation on the premises of
motor vehicle parts or scrap, including tires, which is:

(i) visible at ground level from a public street, alley; or visible from adjoining property, or

(ii) contains more than personal use items unless allowed by previous City review or permit
in appropriate commercial or industrial zones.

CC. Vehicles, Including Motor Homes, Trailers, and Boats.

(i) Any vehicle, recreational vehicle, motor home, camper, camper shell, boat, or trailer parked or stored outside of a garage or carport on an unimproved surface, or otherwise in violation of the Suisun City Municipal Code.

(ii) Any inoperable vehicle, recreational vehicle, motor home, boat, or trailer parked or stored outside of a garage or carport on a driveway, street, an unimproved surface, or otherwise in violation of the Suisun City Municipal Code.

DD. Visibility Hazards. The maintenance of property in such a manner as to cause a hazard to the public by obscuring the visibility of any public right-of-way, road intersection, pedestrian walkway, street sign, street light, or traffic signal.

EE. Weeds and Rubbish. See Section 8.12.216.

8.12.108 Noise Regulations

The following special noise restrictions are hereby established without regard to their sound level impact and may be enforced without the prerequisite of a sound level measurement.

A. General Noise Regulations.

It is unlawful for any person to willfully make or continue or permit or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The volume and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of the day or night the noise occurs;
10. The duration of the noise, including whether its short term or temporary;
11. Whether the noise is produced by a commercial or noncommercial activity.

B. Specific Prohibitions.

The following activities shall constitute prima facie evidence of a violation of this section:

1. Auto Body Repairs. Repair any auto body unless within a completely enclosed building and the noises from such repairs are reasonably confined to such building.

2. Engine Repair and Testing. Repair, rebuild, or testing of any engine in a manner that can be heard on neighboring properties between the hours of 9:00 p.m. and 7:00 a.m.

3. Animals. The keeping of any animal that causes frequent or persistent noise plainly audible by inhabitants or occupants of any adjacent or neighboring residential properties or units, or plainly audible at a distance of 50 feet from any nonresidential building or structure, shall be presumed to disturb the comfort and repose of any person on a nearby property, following regulations of Title 6 (Animals); however, nothing in this subsection shall be construed to apply to occasional noises emanating from a legally operated kennel, animal hospital or veterinary clinic, humane society, or pound.

4. Generators. Generators are considered accessory structures in residentially zoned lots and shall meet the setbacks described in Table 18.31.005 (Table of development standards in residential zones) for accessory structures in residential zones. Generators in commercially zoned lots located near noise sensitive land uses must meet the guidelines of Section 18.20.080 (Trash and Storage Areas) and meet the setbacks described in Table 18.32.010 (Table of development standards in commercial zones) for enclosed structures for generators in commercial zones, the openings of the structure shall not face noise sensitive zones. Portable generators must meet the setbacks described in Table 18.31.005 (Table of development standards in residential zones) for accessory structures in residential zones, unless manufacturer's decibel rating is below 70dB (consistent with air conditioning unit).

5. Domestic Power Tools. Operating or permitting the operation of any domestic power tools, small power equipment, or similar device used in residential areas between the hours of 9:00 p.m. and 7:00 a.m. so as to cause noise that can be heard across a residential real property boundary.

6. Sounding Horns and Signal Devices. The sounding of any horn or signaling device on any automobile, motor vehicle or any other vehicle on any street or public street except as a danger warning; the creation by means of any such signaling device of any unreasonably and unnecessarily loud or harsh sounds; the sounding of any such signaling device for an unnecessarily or unreasonably long period of time; or the use of any horn, whistle or other device operated by engine exhaust

7. Vehicle Noise.

a. Defect in Vehicle or Load. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

b. Motor Vehicle Noises. Any loud or annoying noise made by any motor vehicle and not reasonably necessary to the operation thereof under the circumstances, including, but not limited to, noise caused by screeching of tires; racing or accelerating the engine; backfiring the engine; or the emission of exhaust from the engine tail pipe or muffler. Vehicles must be

maintained in compliance with Sections 27150, 27151, 27200 of the Vehicle Code, 13 CCR 1036, including amendments and successor statutes thereto, and any other relevant state laws and regulations.

c. Large Vehicle Delivery and Loading Within 50 Feet of Residential Uses. The loading, unloading, or delivery of goods, merchandise, vehicles or supplies by large trucks, tractor-trailers, or other similar vehicles between the hours of 9:00 p.m. and 7:00 a.m. unless a sound wall or other hours have been allowed through a use permit.

8. Musical Instruments and Sound Amplifiers. Use or operate any musical instrument or any device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise as follows:

a. Use or operate any device, machine, apparatus, or instrument for intensification or amplification of musical instruments, the human voice, or of any other sound without first obtaining a special event permit: (i) in or on a public place that is clearly audible from 50 feet; (ii) in or on any property that is audible at adjoining or adjacent properties.

b. Use of any unamplified musical instrument, or other apparatus that is clearly audible from a distance of 50 feet, without first obtaining a special event permit: (i) in or on a public place that is clearly audible from 50 feet; (ii) in or on any property that is audible at adjoining or adjacent properties.

c. Operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device, which produces, reproduces, or amplifies sound in any public place such that the noise level disturbs a reasonable person owning, using, or occupying property in the neighborhood between the hours of 9:00 p.m. and 7:00 a.m.

d. Use, operate, or play, or permit to be played, used, or operated, of any radio receiving set, musical instrument, audio system, loudspeaker, sound amplifying equipment or other machine or device for the producing or reproducing of sound, which casts sound upon the streets for the purpose of commercial or noncommercial advertising, or attracting the attention of the public to any building, structure or attraction (i) such that the sound therefrom creates noise in a residential area; or (ii) on a public place without first obtaining a special event permit.

9. Explosives, Firearms, and Similar Devices. The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise across a real property boundary or on a public place, except when part of a government-authorized honor guard.

10. Construction or Demolition Work. Construction or demolition work not in conformance with Section 15.04.075 (Construction Work Hours) of this Code.

11. Late Night Disturbances. Disturbances of any kind that are plainly audible by inhabitants or occupants of any adjacent or neighboring residential properties or units, or are plainly audible at a distance of 50 feet from a real property boundary, that occur between 9:00 p.m. and 7:00 a.m., shall be prima facie evidence of violation of this subsection.

12. Persistent noise not otherwise allowed.

1 C. Exemptions. The following are exempt from the provisions of this section:

2 1. Sound or noise associated with emergencies or emergency work, involving the
3 execution of the duties of duly authorized governmental personnel and others providing
4 emergency response to the general public, including but not limited to, sworn peace officers,
5 emergency personnel, utility personnel, and the operation of emergency response vehicles and
6 equipment.

7 2. Sound or noise associated with construction or maintenance of city facilities and other
8 activities by any city department or its contractors, utilities, waste hauler, or any other public
9 entity.

10 3. Sounds typically associated with residential uses (e.g., children at play, air conditioning
11 and similar equipment in good working order, but not animal and fowl noises in violation of
12 Subsection (B)(3), above).

13 4. Sounds typically associated with property maintenance (e.g., domestic power tools not
14 performed by a commercial entity) provided such activities take place between the hours of
15 7:00 a.m. and 9:00 p.m.

16 5. Safety, warning, and alarm devices, including house and car alarms, and other warning
17 devices that are designed to protect the health, safety and welfare, provided such devices are
18 not negligently maintained or operated. The sounding of burglar alarms shall not constitute a
19 violation of this section except after 20 minutes of continuous activation. Further, on or after
20 one year from the effective date of the ordinance from which this section is derived, no owner
21 of a motor vehicle, dwelling or commercial property shall have in operation an audible burglar
22 alarm therein unless such burglar alarm shall be capable of terminating its operation within 20
23 minutes of its being activated.

24 6. The sounding of any horn, bell, whistle, siren or other audible warning device which is
25 operated in compliance with Section 7604 of the California Public Utilities Code, or other state
26 or federal laws governing railroad operations.

27 7. Sounds associated with the operation of radio systems operated by FCC licensees in the
28 regular course of business.

8. The normal operation of public and private schools typically consisting of classes and
other school-sponsored activities, such as school bands and school athletic events.

9. Any activity related to the construction, development, manufacture, maintenance,
testing, or operation of any aircraft engine, or of any weapons system or subsystems which are
owned, operated, or under the jurisdiction of the United States.

10. Any other activity to the extent regulation thereof has been preempted by state or federal
law or regulations.

11. Activities or events whose noise is regulated by a city issued permit with conditions
that specify the type of noise and hours permitted to operate, such as but not limited to, a special
use permit, special event permit, special construction permit.

8.12.112 Additional Public Nuisances

The following shall also constitute public nuisances that may be abated in accordance with this chapter.

A. Obstructing Public Passageways. It shall be unlawful for any person to obstruct ingress or egress to any building, or to obstruct the passage of persons or vehicles passing along any street, alley, sidewalk, or other public right-of-way.

B. Breach of the Peace. No person shall make in any public place, including but not limited to parks, greenways, landscaped medians, common city spaces, streets, sidewalks and/or alleyways, or suffer to be made on his/her premises or upon the premises under his/her control, any disorder or tumult to the disturbance of the public peace; and no person shall utter in the presence of two (2) or more persons lewd or obscene words or epithets or address to another any words, language, or expressions having a tendency to create a breach of the peace. "Disturbance" and "breach of the peace" mean causing an annoyance or engaging in disorderly conduct or interfering with the peace and order of a neighborhood, community, or meeting.

D. Interference with Right of Assembly. No person, except with legal authorization or authority, shall disturb or interrupt any school procession, funeral or funeral procession, or any lawful procession, church service, or assembly of people.

E. Public Excretion. No person shall evacuate their bowels or bladder in any public place, or upon any private property, at a place not provided for that purpose.

F. Swimming in Canals. No person shall bathe or swim in any canal within the City.

F. Motor Vehicle Racing. It is unlawful for any person to operate, conduct, maintain, promote, participate or engage in any motor vehicle race within the City, unless such race is expressly allowed by City permit or occurs in a facility permitted for such activity. For the purposes of this section.

8.12.116 Vacant Properties.

A. Maintenance Required. Vacant residential, commercial, and industrial buildings and all yards surrounding the building must be maintained, actively monitored, and secured in accordance with the following standards or the property will be considered blighted and a nuisance subject to abatement pursuant to the procedures set forth in this chapter, and any other available enforcement mechanisms.

1. Yard Maintenance. Maintain all yards in compliance with any applicable development permits, site plans, and landscape plans. If there are no applicable development permits, site plans, or landscape plans, maintain all interior yards (those that are not visible to the general public) in a safe condition, including keeping all vegetation controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including parkways, with acceptable landscaping, installed and maintained in a trimmed, live, and healthy condition.

2. Building Exterior. Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition.

1 3. Broken Windows. Board up broken windows within 24 hours and replace broken
2 windows within 72 hours, subject to the provisions of subsection (B)(1)(g), below.

3 4. Trash and Debris. Remove all trash and debris within 72 hours of their placement or
4 abandonment on the property.

5 5. Compliance with Laws. Maintain the building in continuing compliance with all
6 applicable State and local codes and regulations and any applicable City issued permits,
7 including all provisions of this chapter.

8 6. Prevention of Criminal Activity. Take all reasonable steps necessary to prevent criminal
9 activity on the premises, including, but not limited to, the use and sale of controlled substances,
10 prostitution, and criminal street gang activity.

11 7. Secure Property. Secure the property, both structure and grounds, against trespassers,
12 including but not limited to by the installation and use of fencing, maintaining all windows and
13 doors with locks, replacing all broken doors or windows, and securing any other openings into
14 the structure which are readily accessible to trespassers by boarding-up, or such other means as
15 shall be accepted by the City Manager. Boarding and fencing should be considered a short-term
16 remedy and the City may require alternative methods of maintaining and securing a property.
17 When a building is boarded-up or the property fenced, the owner shall comply with standards
18 established by the City Manager.

19 8. Graffiti. Remove all graffiti on the property within 48 hours of placement on the
20 property.

21 B. Vacant Property Plan. The City Manager may issue an Order to Submit a Vacant
22 Property Plan to the property owner and require the payment of a fee as required under this
23 section.

24 1. The Vacant Property Plan shall include the following information and shall be submitted
25 within 30 days of service of the order:

26 a. Name and address of person submitting the Vacant Property Plan;

27 b. Name and address of all property owners of the subject property;

28 c. The name and address of a local agent, if the property owner is not local, that the City
Manager may contact related to enforcement of this article;

d. The expected period of vacancy;

e. A plan to make any buildings ready for occupancy that could not be legally occupied
under State and local law at the time of submission of the plan;

f. If required by the City Manager, a plan to either occupy, sell, lease, or demolish the
building within 180 days or such other time as determined reasonable by the City Manager
under the circumstances;

1 g. A plan for actively monitoring, maintaining, and securing the property and otherwise
2 complying with this article;

3 h. A letter of written consent by the property owner to the City Manager to allow City
4 code enforcement inspectors to enter the property for inspections as reasonably required to
5 enforce the provisions of this article;

6 i. Any other information required by the City Manager in rules and regulations adopted
7 by the City Manager under this article.

8 2. Exception. If the vacant building will be occupied within 30 days of service of the
9 notice, the owner may notify the City Manager in writing of this fact and the owner will be
10 excused from submitting a Vacant Property Plan.

11 3. Vacant Property Plan Fee. When a property owner is ordered to submit a Vacant
12 Property Plan by the City Manager they shall also be required to reimburse the City of the actual
13 cost to monitor or inspect the property and to review and approve the Vacant Property Plan.
14 The City Manager shall have discretion to determine the number of inspections required to
15 monitor the property upon submission of the plan, based upon the type and condition of the
16 property, and the history of violations at the property.

17 4. Appeal. An Order to Submit a Vacant Property Plan and/or a decision by the City
18 Manager rejecting a Vacant Property Plan are appealable in accordance with the procedures set
19 forth in this chapter except that both an Order to Submit a Vacant Property Plan and a rejection
20 of a Vacant Property Plan must be appealed within 15 days from service of the notice of the
21 order or rejection.

22 5. Approved Vacant Property Plan. A Vacant Property Plan is enforceable immediately
23 upon notice to the property owner of its approval, and shall be valid and enforceable until the
24 City Manager releases the property from the approved Vacant Property Plan, or until the
25 property is no longer vacant, whichever occurs first. If at any point the City Manager determines
26 that the Approved Vacant Property Plan is no longer effective, the property owner shall be
27 required to seek approval of a new Vacant Property Plan and pay a fee for that renewal as set
28 forth in Subsection (B)(3), above.

An approved Vacant Property Plan shall be recorded against the property so as to provide notice
to subsequent owners. The City Manager's release of a Vacant Property Plan shall similarly be
recorded.

6. Noncompliance. Failure by the property owner to submit a Vacant Property Plan, to
comply with an approved Vacant Property Plan, or to pay a fee as required under this section is
a violation of the Suisun City Municipal Code and a public nuisance, subject to the abatement
and cost recovery procedures set forth in this chapter and any other available enforcement
mechanisms.

7. Transfer of Vacant Building. The transferee of a vacant building is subject to the
requirements of this chapter. The transferee may apply to the City Manager to be released from
the requirements of the Vacant Property Plan. It shall be in the City Manager's discretion to

grant such a transfer or require the new property owner to establish a new Vacant Property Plan. The City Manager's decision shall be final.

8. Service. Service of an Order to Submit a Vacant Property Plan, notice of rejection, or approval of a Vacant Property Plan shall be made on the property owner by personal service or first class mail, and/or posted at the property. Where known, a copy may also be provided by email. Failure to achieve or accept service personally on the property owner shall not invalidate the requirements of this section.

Article II. Public Nuisance Abatement; Weeds and Rubbish Abatement

8.12.200 Declaration of Public Nuisance and Order to Comply

A. Declaration of Public Nuisance and Order to Comply. Whenever any city enforcement official determines that conditions at a property within the City constitute a public nuisance in violation of this chapter, the enforcement official shall give written notice to the responsible party in the form of a Declaration of Public Nuisance and Order to Comply (Order), stating the violations with reference to the applicable code sections.

B. Time to Correct. The Order shall set forth a reasonable time limit for correcting any violation and may also set forth suggested methods of correcting the same. Reasonable time to correct shall be dependent on the type and severity of the violation. The reasonable time to correct may, at the sole discretion of the City or such City official having enforcement authority over the violation, be extended or shortened.

C. Service of Order. The Order shall be served either by personal service or by depositing the Order in the United States mail, postage prepaid, addressed to the property address and to the name and address as it appears on the last available equalized assessment roll, supplemental roll of the County of Solano, if different. If no such address appears, then a copy of the Order may be posted at the property, and is presumed to have been served to the responsible party.

A copy of the Order may also be posted on the property in a conspicuous place. Where known, a copy may also be provided to the responsible party by email, at City's discretion. The failure of any person to receive the Order required by this section shall not affect the validity of any proceedings taken under this chapter.

D. Form of the Order. The Order shall bear the date of personal service or mailing and shall be in substantially the following form:

DECLARATION OF PUBLIC NUISANCE AND ORDER TO COMPLY

Site Address:

Assessor Parcel Number:

Date:

1 Notice is hereby given that the following conditions exist at this property, which
2 constitute a public nuisance in violation of the Suisun City Municipal Code
(SCMC), as follows.

3 [Describe conditions and cite to code section.]

4 You are hereby ordered to abate the nuisance within [set forth applicable days].
5 There will be no further notice.

6 If the nuisance is not removed within the required time, the nuisance may be abated
7 by the City of Suisun City or a contractor hired by the City. The property owner will
8 be billed for the cost of such abatement plus administrative costs and legal fees. In
addition, the property owner or other responsible parties may be issued a citation
and/or billed for the City's enforcement costs.

9 If you receive an invoice from the City for abatement, you will have fifteen (15)
10 days from the issuance to pay the invoice. If you do not to pay the invoice within
11 fifteen (15) days, the unpaid amount will be added to your property taxes as a special
assessment against your property.

12 All persons having any objections to this Order and the proposed abatement may
13 file an appeal in accordance with Chapter 8.12 of the Suisun City Municipal Code.
14 The appeal must be in writing, filed with the City Clerk at 701 Civic Center Blvd.,
Suisun City, California 94585, and received within [specify number of days] from
15 the date of this Order. The appeal must state the basis for the appeal with sufficient
16 specificity so that the Hearing Officer can understand the basis for the appeal and
must include the name, address, and telephone number of the person filing the
17 appeal. Failure to file a timely appeal could result in the City proceeding with the
work required at your expense in a timely fashion without further notice or hearing.

18 If the nuisance condition(s) create an imminent danger to the public, the appeal may
19 be considered after abatement of the nuisance.

20 DATED: _____, 20__.

21 [ENFORCEMENT OFFICIAL NAME AND TITLE]

22 _____
23 CITY OF SUISUN CITY, CALIFORNIA

24 8.12.204 Recording.

25 At the time an order to comply or order to vacate is served, the enforcement official may file in
26 the Office of the County Recorder a notice of pending administrative action and include a copy
27 of the order. After the nuisance is abated and abatement costs have been paid, the enforcement
28 official shall cause the recorded notice to be removed.

1 8.12.208 Abatement Procedures.

2 A. Abatement with No Appeal. Where no appeal has been timely filed, and the nuisance
3 has not been abated as directed by the order, the enforcement official shall obtain an abatement
4 warrant and thereafter may enter upon private property, in compliance with state and/or federal
5 law, for the purpose of so doing.

6 B. Abatement After Appeal. Where an appeal has been timely filed and the hearing officer
7 has finally determined that removal or abatement shall be required, and the nuisance has not
8 been removed as directed by the hearing officer, the enforcement official shall obtain an
9 abatement warrant and thereafter may enter upon private property, in compliance with state
10 and/or federal law, for the purpose of so doing.

11 C. Property Owner Abatement. At any time prior to the actual abatement, any property
12 owner may remove nuisance condition(s) at their own expense.

13 D. Abatement of Dangerous Buildings. The abatement of dangerous buildings may be
14 conducted in accordance with the Uniform Code for the Abatement of Dangerous Buildings, as
15 adopted by reference by Section 15.04.030(F), including any amendments or successor codes
16 thereto.

17 E. Abatement of Inoperative Vehicles. The abatement of abandoned, wrecked, dismantled
18 or inoperative vehicles shall be performed in accordance with Chapter 10.36, including any
19 amendments or successor codes thereto.

20 8.12.212 Method of Abatement by the City.

21 City abatement of the nuisance may be performed by contract or by City crews. When the
22 abatement is performed by contract, the contractor shall keep an account of the cost of the
23 abatement on each separate parcel of land where work is performed, including adjoining
24 sidewalk and street/alley areas, and shall submit an itemized written report showing such cost
25 to the enforcement official for verification, and may include before and after photographs.
26 When the abatement work is performed by City crews, the City shall keep an account of the
27 cost of the abatement on each separate parcel of land where work is performed, including
28 adjoining sidewalk and street/alley areas, including before and after photographs if appropriate,
29 and shall submit an itemized report showing such cost to the enforcement official for
30 verification.

31 8.12.216 Weeds and Rubbish Abatement.

32 No person, whether such person is the owner or tenant of any real property, shall maintain,
33 permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be
34 maintained in any of the following conditions, which are declared to be a public nuisance. City
35 shall have the authority to abate dirt, rubbish, weeds, and rank growths from buildings or
36 grounds and adjacent sidewalks, and recover costs thereof, in accordance with Section 39560
37 et seq. of the Government Code.

38 A. Refuge for Vermin. Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish,
39 refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge
40 for rodents, insects, or other vermin.

1 B. Vegetation Near Roofs and Chimneys. Dead vegetative growth overhanging a structure
2 or any tree branch or other vegetative growth which extends within 10 feet of the outlet of a chimney.

3 C. Pollen. Weeds which may produce pollen that is injurious to the health, safety, comfort,
4 or welfare of the residents of the City.

5 D. Fire Hazards and Fire Hydrants. Weeds, rubbish, refuse, dirt, debris, or any other matter
or material which may become a fire or health hazard, or is within 36 inches of a fire hydrant.

6 E. Overgrown Vegetation.

7 1. Vegetative growth overhanging a public right of way by less than 14 feet in height or a
8 public sidewalk by less than 8 feet in height.

9 2. Any overgrown vegetation, including but not limited to bushes, shrubs, trees, lawns,
10 weeds and flowers.

11 F. Other Vegetation. Any other vegetation or materials which, because of lack of
12 maintenance, create conditions which may become a fire, safety, or health hazard, including weeds, which are otherwise subject to abatement by law.

13 G. Trees and shrubs. Any tree or shrub causing damage to the public right-of-way including
14 but not limited to streets, sidewalks, alleyways, parkways, greenways and landscape medians.

15 8.12.220 Supplemental Rules and Regulations.

16 The City Manager may adopt written rules, regulations, policies and procedures that are
17 consistent with the intent or provisions of this chapter, as may be necessary or desirable to aid in the administration or enforcement of the provisions of the Suisun City Municipal Code.

18 Article III. Cost Recovery; Penalties

19 8.12.300 Findings and Purpose.

20 The Council finds that substantial public resources are spent each year to enforce the Suisun
21 City Municipal Code and State laws, as well as Federal and County laws that may fall within the jurisdiction of the City, enacted to protect the public health, safety, and welfare. The Council finds that the responsibility of these costs, abatement and enforcement costs, should be properly
22 placed on those persons responsible for violating the Suisun City Municipal Code or Federal, State and County laws and/or causing public nuisances. The Council further finds that the
23 recovery of costs incurred by the City to enforce these laws and to collect penalties issued to those persons causing public nuisances and/or violating these laws is important in deterring
24 future violations and maintaining the integrity of the City's code enforcement system. The purpose of this article is to provide a means for the City of Suisun City under its police power
25 authority and other applicable law to recover these costs and penalties from those persons responsible for creating, causing, committing, or maintaining a public nuisance or Suisun City
26 Municipal Code or other law violation.
27
28

1 8.12.304 Nuisance Abatement Costs.

2 A. Special Assessment and Lien or Personal Obligation. The cost of abating a public
3 nuisance and/or enforcing this chapter or applicable Federal, State or County law shall either
4 be a special assessment and lien on the subject property or the personal obligation of the owner
5 of the subject property and/or the person responsible for creating, causing, committing or
6 maintaining the public nuisance or violating this chapter or Federal, State or County law. If
7 there is more than one responsible person, each responsible person shall be jointly and severally
8 liable for the costs. Costs incurred by the City are recoverable even if a public nuisance, Suisun
9 City Municipal Code, or other law violation is corrected by the property owner or other
10 responsible person.

11 B. Applicability. This article shall govern the procedures used to recover all abatement and
12 enforcement costs incurred by the City in the abatement of a public nuisance or violation of
13 this chapter and/or the enforcement of this chapter or other law pursuant to the procedures and
14 authority found in the Suisun City Municipal Code. Additionally, this article shall govern the
15 procedures used to recover multiple response costs imposed pursuant to the procedures and
16 authority found in the Suisun City Municipal Code.

17 C. Payment Plan. Nothing in this article shall prevent the City at any time from accepting
18 payment for unpaid costs or penalties in full, or by way of a payment plan.

19 8.12.308 Fire Suppression Costs.

20 Any costs incurred by the fire department in fighting a fire arising from the burning of any
21 vegetation or rubbish, including the cost of providing rescue and emergency medical services,
22 shall be charged to the property owner consistent with this chapter, and any applicable charges
23 as may be set forth in the city's master fee schedule.

24 8.12.312 Invoice of Costs.

25 A. Invoice. Notice of an invoice of costs shall be provided to the responsible party. The
26 notice shall include the following:

27 (1) A description of the abatement or enforcement action taken by the City, where
28 applicable a description of the property subject to the abatement or enforcement, and the total
amount of the abatement and enforcement costs incurred by the City. The requirements of this
subsection may be met by providing the noticed party with a copy of the report required by this
subsection (A).

(2) That should the noticed party fail to pay the costs within 30 days from the date of service
of the notice the costs may be collected in any or all of the following ways: by a collection
agency as a personal obligation, by the City Attorney's Office through judicial action, a lien
attached to the subject property, or pursuant to an assessment attached to property taxes.

(3) That the noticed party has a right to an administrative review of the invoiced costs
incurred by the City by filing a written request for such review with the City Clerk within 15
days of the date of the invoice. A failure to timely request administrative review will be deemed
a waiver of a right to review of the amount of the costs.

1 (4) That before a special assessment or lien is placed on the subject property, the costs will
2 be confirmed by the City Council and a notice will be issued at least 15 days before the Council
meeting.

3 (5) That the invoice may be recorded as a Notice of Costs or Penalties in the Solano County
4 Recorder's Office.

5 B. Recording. The City may record the invoice as a Notice of Costs or Penalties in the
6 Solano County Recorder's Office. Once payment is received for the outstanding costs and/or
7 penalties, or any reduction of costs following administrative review, and no further action will
be taken under this article, the City shall record a Notice of Satisfaction.

8 8.12.316 Administrative Review of Costs.

9 A. Procedures for Administrative Review. If a request for administrative review is timely
10 filed, the City Clerk shall deliver a copy of the invoice of costs incurred by the City and request
11 for administrative review to the City Manager, which may include the appointment of a hearing
12 officer, who shall set a date and time to review the invoice of costs with the requesting party.
The administrative review shall be an informal proceeding where the enforcement department
and requesting party may present any evidence they deem pertinent to the amount of the costs.
The scope of review shall be limited to the amount of the costs.

13 B. Decision. The City Manager may affirm or reduce the costs if they determine that the
14 costs are not supported by the evidence or upon a showing that the costs were unnecessary or
15 unreasonable. The City Manager will not pass upon the validity of the underlying enforcement
16 action or the amount of any penalties.. The decision shall be memorialized in writing. The City
Manager may approve a payment plan for the costs.

17 C. Time for Payment. The responsible party shall have 30 days from the date of the
18 decision to pay the costs, unless a payment plan is approved, in which case the costs shall be
paid in accordance with the payment plan.

19 8.12.320 Recovery of Nuisance Abatement and Enforcement Costs.

20 Abatement and enforcement costs unpaid after the required time set forth in this chapter may
21 be collected in the matter set forth in this article. Interest shall accrue at a rate of 10% per year
on unpaid costs until paid.

22 8.12.324 Personal Obligation.

23 Any costs or penalties subject to collection under this chapter may be recovered as a personal
24 obligation against the responsible party and may be referred to a collection agency or the City
25 Attorney's Office for collection. Upon referral of these costs and obligations, the collection
26 agency and the City Attorney's Office may seek collection through any legal means provided
27 to them, including judicial action. Nothing in this section shall be affected by or affect the City's
28 use of any other procedure provided in this article or by law to collect unpaid costs and
penalties. In a judicial action to recover abatement costs, the City Attorney's Office may elect
to recover attorneys' fees. In any action in which the City Attorney's Office elects to recover
attorneys' fees under this section, attorneys' fees will be recovered by the prevailing party.

1 8.12.328 Special Assessment and Lien.

2 A. Collection. Unpaid penalties, abatement costs, and enforcement costs (collectively,
3 “penalties and costs”) that relate to a public nuisance abatement may be confirmed by the City
4 Council as a special assessment and collected with property taxes or as a judgment lien, in
5 accordance with applicable law.

6 B. Notice. Notice of a public meeting to confirm the penalties and costs shall be provided
7 to all noticed parties by the enforcing department or City Clerk at least 15 days before the
8 meeting. The notice shall: (i) contain a description of the subject property sufficient to enable
9 the person(s) served to identify it; (ii) shall state that the City intends to collect unpaid costs or
10 penalties by placing a lien or a special assessment on the subject property; (iii) shall specify the
11 day, hour, and place where the Council will hear and pass upon the penalties and/or costs; (iv)
12 shall specify that the property may, in some cases, be sold after three years by the Tax Collector
13 pursuant to Revenue and Tax Code Section 3691 for unpaid delinquent assessments or be
14 subject to judicial foreclosure before the three years; and (v) shall specify that any noticed party
15 may appear at the Council meeting and present objections to the lien or assessment.

16 C. Service of Notice. Notice shall be given either by personal service or by depositing the
17 notice in the United States mail, postage prepaid, addressed to the owner of such lot or parcel
18 of land and/or lessee as it appears on the last available equalized assessment roll, supplemental
19 roll of the County of Solano, or as otherwise known to the City by virtue of more recent or
20 reliable information. If no address appears or is known to the City, then a copy of the notice
21 may be mailed to the property address. A copy of the notice may also be posted on the property
22 in a conspicuous place. Where known, a copy may also be provided by email. The failure of
23 any person to receive the notice required by this section shall not affect the validity of any
24 proceedings taken under this chapter.

25 D. Confirmation by City Council. During the City Council meeting the Council may adopt
26 a resolution confirming the amount of the penalties and costs, or any lesser amount, based upon
27 staff reports and any public comments received during the meeting. The City Council shall take
28 into consideration whether any noticed party sought administrative review of the costs and shall
only reduce the costs if:

- (1) the responsible party sought administrative review, and
- (2) the decision of the City Manager is not supported by substantial evidence in the record.
- The basis for the code enforcement action will not be the subject of the City Council’s consideration.

Where the costs have already been approved by a court of competent jurisdiction or the penalties have been previously upheld in an abatement or other administrative hearing held under the Suisun City Municipal Code, the City Council shall simply confirm the costs or penalties.

The City Council may confirm the costs for more than one property in a single resolution. If the City Council confirms the costs, the procedures set forth in this section may be utilized.

E. Time to Contest Confirmed Special Assessment or Lien. The validity of any special assessment or lien levied under the provisions of this section shall not be contested in any action

1 or proceeding unless such action or proceeding is commenced within 30 days after the special
2 assessment is confirmed by the City Council.

3 F. Recording. Immediately upon the City Council's confirmation of costs or penalties, the
4 City Clerk shall record a Notice of Special Assessment and Lien in the Office of the County
5 Recorder, which shall constitute a lien on that property for the amount of the assessment, except
6 that if any real property to which the lien would attach has been transferred or conveyed to a
7 bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created
8 and attaches thereon, prior to the date on which the first installment of taxes that included the
special assessment imposed under this section would become delinquent, then the lien that
would otherwise be imposed by this section shall not attach to real property and the costs of
abatement and enforcement relating to the property shall be transferred to the unsecured roll
for collection.

9 G. Form of Notice of Special Assessment and Lien. The Notice of Special Assessment and
10 Lien for recordation shall be in the form substantially as follows:

11 NOTICE OF SPECIAL ASSESSMENT AND LIEN

12 (Claim of the City of Suisun City)

13 Under authority vested by provision of Chapter 8.12 of the Suisun City Municipal
14 Code, the City of Suisun City did on or about the ____ day of _____, 20____,
15 assess [describe penalties, abatement costs, enforcement costs] on the real property
16 hereinafter described; and the same has not been paid nor any part thereof and the
17 City of Suisun City does hereby claim a lien for such [penalties, abatement costs,
18 and enforcement costs] to wit: the sum of _____ dollars, plus legal rate of interest
19 to be accrued from the date of recording this lien, and any and all administrative
20 costs to file and record the lien. The same shall be a lien upon the real property until
21 it has been paid in full and discharged of record.

22 The real property hereinafter mentioned, upon which a lien is claimed, is that certain
23 parcel of land in the City of Suisun City, County of Solano, State of California, more
24 particularly described as follows:

25 [include description of property including address and APN]

26 DATED: this ____ day of _____, 20____

27 _____ City of Suisun City

28 (Job Title)

H. Collection with Taxes. After confirmation and recordation, a copy may be turned over
to the Solano County Tax Collector. At that point, it will be the duty of the Tax Collector to
add the amounts of the respective assessments to the next regular tax bills levied against the
lots and parcels of land for municipal purposes. Those amounts 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 procedures and sale in the cases of delinquency as provided for with ordinary municipal taxes.

I. Foreclosure. After confirmation and recording, the lien may also be foreclosed by judicial or other sale in the manner and means provided by law. The City may recover from the record property owners, any costs incurred regarding a foreclosure action.

J. Priority. A special assessment and lien imposed under this article shall have the priority of a tax lien, unless prohibited by State law, in which case the special assessment and lien shall have the priority of a judgment lien.

K. Release of Lien. Once payment in full is received for the special assessment and lien, including applicable penalties, administrative fees and interest charges; or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order; or the City has entered into some other arrangement with the property owner for satisfaction of the assessment; the enforcing department shall either record a Notice of Satisfaction or provide the property owner or financial institution with the Notice of Satisfaction so they can record the Notice with the Solano County Recorder's Office.

L. Refund. The City Council may order a refund of all or part of a tax paid pursuant to this chapter if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk in accordance with the City's claim filing requirements, and in no event later than November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his/her guardian, executor or administrator.

8.12.332 Penalties; Remedies Non-Exclusive.

A. Public nuisances may be enforced by one or more of the following nonexclusive remedies. Property owners, tenants, and any person in control of real property shall be jointly and severally responsible to abate a public nuisance.

1. Abatement and cost recovery proscribed in this chapter, and/or Section 3490 et seq. of the Civil Code.

2. Administrative citations, pursuant to Chapter 1.20.

3. Criminal complaint or citation, pursuant to Chapter 1.08.

4. Injunctive relief.

5. Receivership, pursuant to Section 17980.7 of the Health and Safety Code.

6. Unlawful business practices, pursuant to Section 17200 et seq. of the Business and Professions Code.

7. Red Light abatement, as set forth in Penal Code Section 11225 et seq.

8. Drug abatement, as set forth in Health and Safety Code Section 11570 et seq.

9. State Housing Law, as set forth in Health and Safety Code Section 17910 et seq.

10. Any other available remedy set forth in the Suisun City Municipal Code, Uniform Codes, or State law.

B. Each day a violation continues is deemed a new violation.

C. Recovery of treble damages. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that a property owner is responsible for a condition which may be abated as a nuisance, the court may order the property owner to pay treble (three times) the cost of abatement. This section shall not apply to conditions abated pursuant to Section 17980 of the California Health and Safety Code.

D. Violations of this chapter shall be strict liability offenses.

E. All penalties and remedies available to the City for violations of this chapter may be imposed individually or collectively, and shall not be exclusive of any other remedy.

Article IV. Appeals; Judicial Review; Severability

8.12.400 Filing of Appeal to Declaration of Public Nuisance and Order to Comply.

The party responsible for a public nuisance may file an appeal to the City's Declaration of Public Nuisance and Order to Comply with the City Clerk subject to the following procedures:

A. Appeal in Writing. The appeal shall be in writing. The appeal shall state the basis for the appeal with sufficient specificity so that the hearing officer can understand the basis for the appeal and shall include the name, address, and telephone number of the person filing the appeal.

B. Time to Appeal. The appeal shall be received by the City Clerk within 15 days from the date upon the notice. The time requirement for filing an appeal shall be deemed jurisdictional and may not be waived. Appeals not timely filed or not setting forth the basis for the appeal are defective and shall be dismissed.

C. Hearing Officer. Appeals shall be heard by a hearing officer appointed by the City Manager.

E. Timing of Appeal and Abatement. The hearing on an appeal from an abatement notice shall be held prior to the abatement, except in those circumstances where the enforcement official has determined that the nuisance conditions present an immediate danger to the public health and safety, including, but not limited to, hazardous materials, or where the time of year increases the potential for a fire. In those circumstances the appeal hearing may be held after the abatement.

8.12.404 Procedures for Conducting an Appeal.

A. Scheduling of Hearing. The City Clerk shall schedule a hearing before an independent hearing officer no sooner than 10 days and not more than 60 days from the date the appeal is filed with the City Clerk.

1 B. Notice of Hearing. Written notice of the date, time and place of the hearing shall be
2 given at least 10 days prior to the date of the hearing to the appellant either by causing a copy
3 of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage
4 prepaid, addressed to the appellant at the appellant's address shown on the appeal, or, if no
5 address is provided on the appeal, at the address to which the official's decision was previously
6 sent or posted. Where known, a copy may also be provided by email. The failure of any person
7 to receive such notice shall not affect the validity of any proceedings taken under this chapter.
8 Service by normal delivery mail in the manner described above shall become effective on the
9 date of mailing.

10 C. Scope of Hearing and Burden of Proof. At the date, time and place stated in the notice,
11 the hearing officer shall hear and consider all relevant evidence, objections or protests, and shall
12 receive testimony from the appellant, the enforcement official and his/her designees, and
13 interested persons relative to the issues of the hearing. Except where otherwise provided by the
14 governing code or statute, the burden of proof and production of evidence shall be with the
15 City and the burden of proof shall be preponderance of the evidence. Preponderance of the
16 evidence means the burden of proof is met if there is a greater than 50% chance that, based on
17 all the reasonable evidence shown, the City's claims are true and appellant did in fact commit
18 the violation. The City meets its burden of proof by presenting physical and testimonial
19 evidence to prove their case and the proposition that it is more likely to be true than not true
20 that appellant committed the violation.

21 D. Hearing Procedures. The hearing shall be conducted in accordance with the following
22 procedures:

23 (1) All hearings shall be recorded. Any party may, at their sole expense, have the hearing
24 transcribed by a certified shorthand reporter.

25 (2) Hearings need not be conducted according to the technical rules of evidence.

26 (3) Any relevant evidence shall be admitted if it is of the type of evidence in which
27 reasonable persons are accustomed to rely on the conduct of serious affairs, regardless of the
28 existence of any common law or statutory rule which might make improper the admission of
such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(4) Oral evidence shall be taken only on oath or affirmation. The hearing officer or the City
Manager shall have the power to administer oaths.

(5) Irrelevant and unduly repetitious evidence shall be excluded.

(6) Each party shall have the right to: (a) call and examine witnesses on any matter relevant
to the issues of the hearing; (b) introduce documentary and physical evidence; (c) cross-
examine opposing witnesses on any matter relevant to the issues of the hearing, subject to the
control of the hearing officer, including the imposition of reasonable alternatives to cross-
examination; (d) impeach any witness regardless of which party first called the witness to
testify; (e) rebut the evidence; and (f) be represented by anyone who is lawfully permitted to do
so.

1 (7) The hearing officer may take official notice, either during the hearing or after
2 submission of the matter for decision, of any fact which may be judicially noticed by the courts
3 of this State or of official records, regulations, rules, and decisions of State and local agencies,
4 boards and departments and of City ordinances. In addition, the hearing officer may take official
5 notice of matters in its own files and of prior proceedings under this chapter involving the same
6 issues. If applicable, the hearing officer or the may also take official notice of any generally
7 accepted technical or scientific matter within their expertise. The parties present at the hearing
8 shall be informed of the matters to be noticed, and those matters should be noted in the record,
9 referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity
10 on request to refute the officially noticed matters by evidence or by written or oral presentation
11 of authority.

12 (8) Failure to appear at the hearing by either party shall not invalidate the proceedings.

13 F. Continuance of Hearing. The hearing officer may provide for reasonable continuances
14 of the hearing, on its own initiative or at the request of a party, as necessary to properly conduct
15 the appeal.

16 G. Decision. At the conclusion of the hearing, the hearing officer shall deliberate and reach
17 a decision within 15 days. The decision and the reason(s) for the decision shall be reduced to
18 writing. The hearing officer may affirm, reverse, modify, or set aside the abatement order,
19 suspension or revocation of a permit or license, citation, decision or order issued pursuant to
20 this Code as the facts and law warrant.

21 H. Service and Filing of Decision. A copy of the hearing officer's decision shall be sent by
22 mail or otherwise to the appellant. Where known, a copy may also be provided by email.

23 I. Finality of Decision. The decision of the hearing officer shall be final with no further
24 administrative appeals.

25 8.12.408 Judicial Review.

26 Judicial review of any final decision made under this chapter may be had by filing a petition for
27 a writ of mandate with the Superior Court, County of Solano, in accordance with the provisions
28 of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within
90 days after the day the decision becomes final as provided in California Code of Civil
Procedure Section 1094.6, which shall be applicable for such actions.

8.12.12 Severability.

If any article, section, sentence, clause or phrase of this chapter is for any reason held to be
invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
shall not affect the validity of the remaining portion of this chapter. The Council hereby declares
that it would have adopted this chapter and adopted each article, section, sentence, clause or
phrase thereof, irrespective of the fact that any one or more articles, sections, subsections,
sentences, clauses or phrases be declared invalid or unconstitutional.

Article V. Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

Abandoned personal property. Discarded personal property, including furniture and appliances, and any personal property that is not timely removed from real property following a Notice of Public Nuisance and Order to Abate.

Acceptable landscaping.

For residential properties, acceptable landscaping shall include any ground cover, decorative rock, redwood bark, lawn and/or other material determined to be acceptable or required by the City Manager.

For commercial or industrial properties, acceptable landscaping shall include non-paved portions of the exterior yards shall be covered with live trees, shrubs, lawns, or other live plant materials, or shall have decorative landscaping installed, so long as weed block is used where decorative landscaping is installed.

Attractive nuisance. Any condition, instrumentality, or machine which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it, whether in a building or on the premises.

Bona fide encumbrancer. A person who (i) receives a lien or encumbrance on the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired the interest did not have actual or constructive knowledge of the City's interest in the property.

Bona fide purchaser. A person who (i) purchases any portion of the subject property after the City incurs abatement costs or enforcement costs and (ii) at the time he or she acquired his or her portion of the subject property did not have actual or constructive knowledge of the City's interest in the property.

Building official. The building official of the City of Suisun City, or their designee.

Chief of police. The Suisun City Police Department's Chief of Police, or their designee.

City Attorney. The City Attorney of the City of Suisun City, including their designee.

City enforcement official. The city manager, the fire chief, or the chief of police, and shall include any authorized designee thereof who is partially or wholly responsible for enforcing this chapter.

City facility. Any building, structure, park, parkway, infrastructure, traffic light, waterway, pier, jetty, protected open space, etc. that is owned, controlled, or maintained by the city.

City manager. The City Manager of the City of Suisun City, including their designee.

Costs:

Abatement costs. The actual and reasonable costs incurred by the City to abate a public nuisance. These costs include all direct and indirect costs to the City that result from the total abatement action, including, but not limited to, investigation costs, costs to enforce the Municipal Code and any applicable Federal, State or County law, clerical and administrative costs to process paperwork, costs incurred to provide notices and prepare for and conduct administrative appeal hearings, and costs to conduct the actual abatement of the nuisance, including lawful disposal or abandoned personal property, trash, and debris. Abatement costs include staff costs, including costs of worker's compensation benefits, fringe benefits, administrative overhead administrative overhead, costs for equipment, such as cameras and vehicles, staff time to hire a contractor, and reasonable attorneys' fees incurred by the City. Costs also include those incurred in seeking cost recovery.

Enforcement costs. All actual and reasonable costs incurred by the City to respond to and enforce compliance with the Municipal Code and any applicable Federal, State, County or City public health and safety law that are not included within abatement costs. These costs include, but are not limited to, actual cost of the enforcing department services including, but not limited to, costs of personnel, including costs of worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of materials, costs related to investigations pursuant to the Municipal Code or Federal, State, or County law, costs related to issuing and defending administrative or court citations, costs incurred investigating and abating violations of the Municipal Code or Federal, State or County law violations, and reasonable attorneys' fees. Enforcement costs include multiple response and similar costs as permitted by this chapter. Enforcement costs also include those incurred in seeking cost recovery.

Enforcing department. The department or division of the City that is directed and is responsible for the enforcement of the Suisun City Municipal Code or applicable Federal or State law, or the abatement of a public nuisance.

Fire chief. The Chief of the Suisun City Fire Department, or their designee.

Motor Vehicle shall have the same meaning as that term is defined in Section 415 of the California Vehicle Code, including any amendments or successor statutes thereto.

Noise. Any sound which annoys or disturbs a reasonable person of normal sensitivities.

Noticed party. The person or entity that is required to be noticed in the underlying abatement or enforcement action in which costs were incurred, but in all cases must include the record owner(s) of the property for property related violations. A "noticed party" should be notified for purposes of cost or penalty recovery in the same manner as they were required to be noticed, either by the Municipal Code or applicable Federal, State or County law, in the abatement or enforcement action which resulted in the incurring of costs or penalties sought to be recovered under this article.

Owner. The person to whom land is assessed as shown on the last available equalized assessment roll, supplemental roll of the County of Solano, or as otherwise known to the enforcement official, and shall include their agent or designee.

1 Parkway. The portion of a street right-of-way which lies between the property line and the
2 outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists,
"parkway" shall mean the area of property from the property line to the edge of the pavement.

3 Person. An individual or entity of any kind whatsoever, and shall include the person's agent or
4 designee.

5 Persistent noise. Constant, fluctuating, or intermittent noise of cumulative duration of more than
20 minutes, that disturbs a reasonable person beyond the property line of the noise source.
6 Examples of sources of persistent sound include but are not limited to dogs barking, amplified
7 sound, power tools, vehicles, and like noises.

8 Responsible party. Any person responsible for creating, causing, committing, or maintaining
the violation(s) of the Suisun City Municipal Code or law and/or responsible for the abatement
9 of a Suisun City Municipal Code or law violation(s), including a public nuisance. A responsible
party may be, jointly or severally, a property's owner or tenant, or any other person in
10 possession or control of real property.

11 Sensitive land uses. Locations where there is greater sensitivity to excess noise, including but
12 not limited to: residences, hospitals, nursing homes, theaters, auditoriums, churches, meeting
halls, schools, libraries, museums, and parks.

13 Sound amplifying equipment. Means any machine or device for the amplification of the human
14 voice, music or any other sound. Sound amplifying equipment as used herein shall not be
construed as including standard automobile radio when used and primarily audible only by the
15 occupants of the vehicle in which installed, or warning devices on authorized emergency
16 vehicles or horns or other warning devices on other vehicles used only for traffic safety
purposes.

17 Structure shall have the same meaning as that term is defined in Section 18.04.010, including
18 any amendments or successor ordinances thereto.

19 Tenant. Any person, not an owner, who is in possession or control of real property based on a
20 rental or lease agreement with the property's owner, including their agent or designee.

21 Uniform Codes. Uniform Code adopted by reference in Chapter 15.04 of the Suisun City
Municipal Code with local amendments, including any amendments or subsequent codes.

22 Vacant property. Real property that is undeveloped or with one or more structures, whether
23 residential, commercial, or industrial, that is/are unoccupied or occupied by unauthorized
persons. In the case of a multi-unit structure or complex, "vacant" shall mean when any one
24 unit is unoccupied or occupied by unauthorized persons.

25 **SECTION 3. EFFECT OF AMENDMENTS.** Except as otherwise specifically provided in
26 this Ordinance, all other provisions of Title 8 of the City of Suisun Municipal Code remain
the same.

27 **SECTION 4. ADOPTION AND EFFECTIVE DATE.** This Ordinance shall be in full
28 force and effect thirty (30) days after its second reading and adoption.

SECTION 5. CERTIFICATION. The City Clerk shall certify the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on this 17th day of October 2023.

Alma Hernandez,
Mayor

ATTEST:

Anita Skinner,
City Clerk

APPROVED AS TO FORM
AND LEGAL CONTENT:

Aleshire & Wynder, LLP

CERTIFICATION

I, Anita Skinner, City Clerk of the City of Suisun City and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting of the said City Council held on Tuesday, October 3, 2023, and regularly passed and adopted at a regular meeting of said City Council held on Tuesday, October 17, 2023, by the following vote:

AYES: Councilmembers: Dawson, Osum, Washington, Mayor Hernandez

NOES: Councilmembers: None

ABSENT: Councilmembers: Pal (Due to Conflict of Interest)

ABSTAIN: Councilmembers: None

WITNESS my hand and the seal of said City this 17th day of October 2023.

Anita Skinner,
City Clerk