

*City of Costa Mesa*

# **PROPERTY MAINTENANCE REGULATIONS**

**SEPTEMBER 2000**

**TITLE 20**  
**PROPERTY MAINTENANCE**  
**ARTICLE 1. GENERAL**

**Sec. 20-1. Purpose.**

The purpose of this title is to identify property maintenance standards, and establish procedures for the prosecution and abatement of public nuisance conditions identified in this title.

**Sec. 20-2. Definitions.**

The following words and phrases shall, for the purposes of this title, be defined as follows, except where the context clearly indicates a different meaning.

**Collection of solid waste.** The operation of gathering together and transporting of solid waste to the point of disposal by a solid waste hauler permittee pursuant to Title 8 of this code.

**Commercial vehicle.** Any motorized or non-motorized vehicle used or maintained to transport property or goods for profit or persons for hire or compensation.

**Leaf blower.** Portable power equipment powered by fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings, and trimmings from trees and shrubs and other debris.

**Inoperative vehicle.** A vehicle is "inoperative" if it is:

- (a) Mechanically incapable of being driven; or
- (b) Prohibited from being operated on a public street or highway pursuant to the provisions of Vehicle Code Sections 4000, 5202, 24002, or 40001, concerning license plates, registration, equipment, safety and related matters.

**Owner of the vehicle.** The last registered owner and the legal owner of record.

**Public property.** Land, buildings, structures, or fixtures that are owned by a public agency. For the purposes of this title, public property does not include streets.

**Recreational vehicle.** Any travel trailer, camper, motor home, or trailer (as defined in State Vehicle Code Sections 242, 243, and 630, respectively), or any camper shell or boat.

**Residential use.** Any property zoned for residential use as provided for in Title 13 of this Code. Sidewalks, parkways, and streets adjacent to residential property shall be considered a residential area for purposes of this title.

**Residentially-developed property.** Any property developed with a conforming dwelling unit or legal nonconforming dwelling unit.

**Rubbish.** All waste which includes but is not limited to:

- (a) Animal or human offal, asphalt, inoperative bicycles and parts, boards, inoperative boats and parts, bottles, boxes, bricks, cans, cartons, cement, cinder blocks, concrete, containers, crates, dirt, doors, equipment, glass, gravel, hoses, lumber, machinery, metal, paint, pallets, paper, pipe, plaster, rebar, rocks, rubber, sand, siding boards, stucco, tile, windows, wire, wood, and other similar material.
- (b) Trimmings, clippings and cuttings from lawns, shrubs and trees, and all dead or uprooted grass, sod, shrubs, trees, vegetables and dirt, and firewood piles.
- (c) Rugs, bedding, furniture, utensils, clothing, toys, appliances, household supplies and equipment.
- (d) Vehicle bodies, motors, tires, parts and accessories.
- (e) Any other similar item and material of residential, commercial or industrial nature existing in an unusable, inoperative, discarded or abandoned condition.

**On or in front of real property.** Includes all areas of the real property including but not limited to the rear, side, or front yard areas, parkways, sidewalks, or on abutting streets in all zones in the city except for items contained within a receptacle for collection of solid waste pursuant to Chapter IV of Title 8 of this Code.

**Parkway.** The area between any real property line and the edge of the pavement of a public street.

**Responsible party.** The owner, lessee, agent, person, or entity in lawful charge or possession of the property.

**Street.** A public street, drive, right-of-way, avenue, highway, place, alley, land, court, or way.

**Vacant real property.** Any vacant parcel of land, building or structure on real property in all zones in the city where the responsible party has intentionally left such property vacant and unoccupied for a period of time exceeding 30 calendar days.

**Vehicle.** An automobile, truck, motorcycle, trailer, and any other device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power.

**Weed abatement official.** The city fire chief or his designated representative.

**Weeds.** Plant material that is noxious or dangerous, and/or dry grass, stubble, brush, or other flammable material that creates a fire hazard.

**Sec. 20-3 Public nuisance declared.**

- (a) **Developed property.** Any property that is not maintained by a responsible party pursuant to Article 2 of this title, and is in such a condition as to be detrimental to

the health, safety, or welfare of the public or the adjoining property, is hereby declared to constitute a public nuisance.

- (b) **Vacant property.** The presence of vacant real property in the city that is not properly secured, fenced, boarded up, and maintained by a responsible party pursuant to Article 3 of this title, and which is in such a condition as to be detrimental to the health, safety, or welfare of the public or the adjoining property, is hereby declared to constitute a public nuisance.
- (c) **Abandoned, wrecked, dismantled, or inoperative vehicles.** The presence of an abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, on private or public property not including streets, except as permitted in Section 20-6 Exemptions, is hereby declared to constitute a public nuisance.
- (d) **Weeds.** The presence of weeds growing upon any parkway, sidewalk or on private property within the city, is hereby declared to constitute a public nuisance.
- (e) **Rubbish.** The presence of rubbish upon parkways, sidewalks, or private property within the city is hereby declared to constitute a public nuisance.

**Sec. 20-4. Prohibited conduct.**

Except as provided in Section 20-6 Exemptions, it shall be unlawful for any responsible party having charge or possession of any real property in the city to:

- (a) Operate any business activity in the city without a business tax registration certificate and appropriate zoning approval.
- (b) Operate any business or other activity in the city not consistent with all of the terms and conditions of all applicable zoning approvals and approved plans granted by the City. This includes, but is not limited to, business tax registration certificates and conditional use permits.
- (c) Allow upon any premises under his/her control the placement of any temporary or permanent signs without appropriate zoning and building permit approval.
- (d) Keep, store, or maintain on or in front of any real property, or in or on any vehicle upon the real property under his/her control any litter, rubbish or weeds, when such material is open to view at street level from a parkway, street, or adjoining property, or in such a condition as to be detrimental to the health, safety and welfare of the inhabitants of such real property or any adjoining property.
- (e) Not maintain any parcel of land, building, or structure on real property in conformance with the standards contained in Article 2. Property Maintenance Standards of this title.
- (f) Permit any parcel of land, building, or structure on real property to remain a vacant real property without properly securing and maintaining the property pursuant to Article 3. Vacant Property Maintenance Standards of this title.

- (g)** Allow upon any premises under his/her control the use of any pay telephone that is used as an instrument for or contributes substantially by its presence to any of the following conditions:

  1. Selling or giving away controlled substances (as defined in Division 10 of the State Health and Safety Code); soliciting, agreeing to engage in, or engaging in any act of prostitution; or other criminal activity.
  2. Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to an Alcoholic Beverage Control license.
- (h)** Allow upon any premises under his/her control any swimming pool, pond, spa, or other body of water or excavation which is abandoned, unattended, or unfiltered.
- (i)** Allow the disposal or storage of oil, grease, other petroleum products, noxious chemical, pesticides, or any gaseous, liquid, or solid waste in such a manner to constitute a health or fire hazard or degrade the appearance of or detract from the aesthetic and property values of neighboring properties.
- (j)** Operate a leaf blower inconsistent with Article 4. Leaf Blowers of this title.
- (k)** Keep, store, or maintain upon any premises under his/her control any abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, except as permitted by Table 20-6(c).
- (l)** Keep, store, or maintain upon any premises under his/her control any vehicle or recreational vehicle, except as permitted by Table 20-6(c).
- (m)** Use any parked or stored vehicle or recreational vehicle, operative or not, as temporary or permanent living space.
- (n)** Use a garage, or any portion thereof, as a temporary or permanent living space or as a meeting room.
- (o)** Keep, store, or maintain in any residential zone or on any residentially-developed property any of the following:

  - (1) Construction and/ or business equipment, supplies, materials, or machinery of any type or description;
  - (2) Buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or
  - (3) Any other commercial vehicle over 25-feet long or 8 feet in height or 90-inches wide.
- (p)** Keep, store, or maintain any materials, equipment or objects, including, but not limited to, appliances, furniture, barbecues, plants, toys, or other household items of any kind (except for roof-mounted mechanical equipment with a valid

building permit) on rooftops of structures, including, but not limited to, carports and patio covers.

- (q) Install, construct, or maintain any fencing or screening on, about, around, or projecting above rooftops of structures, including, but not limited to, carports and patio covers, without a valid building permit and zoning approval.

**Sec. 20-5. Violations.**

A violation of this title is a misdemeanor pursuant to section 1-33 and such violation may be established by evidence obtained by the police chief, fire chief, building official, code enforcement officer, or their designees.

**Sec. 20-6. Exemptions.**

The provisions of this title shall not apply to the following:

- (a) **Construction activities.** Any material currently in use in the course of lawful construction, demolition or landscaping on the site; provided, however, that when the construction, demolition, or landscaping on the site exceeds 30 calendar days a permit shall be obtained pursuant to Title 5 of this Code which shall specify the time for completion of such work.
- (b) **Stored materials.** Any material contained within a fully enclosed structure or lawfully constructed solid, opaque wall, or fence, and such material is not in a condition as to be detrimental to the health, safety, or welfare of the inhabitants of such real property, the public, or any adjoining property.
- (c) **Vehicles.** The parking and storage of vehicles are subject to the provisions in Table 20-6 (c).
- (d) Nothing in this section shall be construed as authorizing the maintenance of a public or private nuisance.

**Table 20-6(c)**  
**VEHICLE STORAGE AND PARKING REGULATIONS**

Parking and Storage Options	RESIDENTIAL ZONES AND RESIDENTIALLY-DEVELOPED PROPERTY		NONRESIDENTIAL ZONES (EXCLUDING RESIDENTIALLY-DEVELOPED PROPERTY)	
	Vehicles and Recreational Vehicles	Abandoned, wrecked, dismantled, or inoperative vehicles, or part thereof.	Vehicles and Recreational Vehicles	Abandoned, wrecked, dismantled, or inoperative vehicles, or part thereof.
Enclosed completely within a building in a lawful manner where it is not visible from the street or other public or private property	P	P	P	P
Stored or parked in a lawful manner in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.	•	•	P	P
Stored or parked on a lot pursuant to zoning approval granted by the City of Costa Mesa for that purpose, in connection with the operation of a lawfully-conducted business.	•	•	P	P
Stored or parked in an area screened from each abutting public street and property by a 6-foot high permanent, solid, opaque fence or wall, or building. The fence or wall shall be constructed and maintained in accordance with applicable development standards for fences and walls.	P <sup>1</sup>	•	P	•
Stored or parked on a paved driveway connecting a garage or carport with a public or private street.	P <sup>1</sup>	•	•	•
Stored or parked on any unpaved surface, except as permitted above.	•	•	•	•

P = Permitted

• = Prohibited

1. Excludes buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or any other commercial vehicle over 25-feet long or 8 feet in height or 90-inches wide, except as allowed in Section 20-6(a).

## ARTICLE 2. PROPERTY MAINTENANCE STANDARDS

### Sec. 20-7. Standards for developed property.

All developed real property in the city shall be maintained at a level not less than the following standards.

- (a) **Condition of structures.** Structures shall not be partially destroyed, abandoned, unsecured, or permitted to remain in a state of partial construction for more than 30 days. Buildings or structures shall not be boarded up for a period in excess of 10 days without a valid demolition or building permit on file, except in compliance with Article 3.
- (b) **Building exteriors and roofs.** Exterior building surfaces and roofs shall be maintained free of significant surface cracks, missing materials, warping, dry rot which either threaten the structural integrity, or result in a dilapidated, decaying, disfigured, or partially ruined appearance.
- (c) **Use of tarps.** Excluding emergency repairs, it is prohibited to use tarps for roof and building repairs. Additionally, the use of tarps for vehicle covers, or temporary canopies, enclosures, and/or awnings is prohibited in any outdoor area visible from any public right-of-way.
- (d) **Use of canopies.** Unless specific zoning approval has been obtained, the use of portable canopies in non-residential zones is prohibited in any outdoor area. The use of portable canopies in residential zones is prohibited in any outdoor area visible from any public right-of-way.
- (e) **Paint.** Painted surfaces on buildings, trash enclosures, walls, retaining walls, fences, and structures shall be maintained in order to prevent decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.
- (f) **Graffiti.** All structures, equipment, walls, and fencing on the property shall be maintained free of graffiti pursuant to Chapter VII½ of Title 11.
- (g) **Lighting.** All exterior light fixtures shall be maintained in good working order free of broken lamps, lens, and light bulbs. Furthermore, the structural integrity of all supporting poles and mounting fixtures shall be maintained. All insulation and connections shall be intact and free of exposed wire.
- (h) **Windows.** Broken windows and glass doors and the use of materials other than glass as a replacement or covering of windowpanes are prohibited.
- (i) **Window screens.** All window and glass door screens shall be maintained free of tears, rips, and holes. On residential rental properties, window screens are required on all windows.
- (j) **Trash bins.** Trash bins or dumpsters shall be kept within an enclosed building, trash enclosure, or screened from public view to the maximum extent feasible. Overflowing trash bins or dumpsters due to inadequate number of bins and/or

request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses in the R-1 zone is prohibited

- (k) **Walls, fences, and trash enclosures.** All walls, retaining and crib walls, and fences abutting public rights-of-way (including alleys), and trash enclosures, shall be maintained free of significant surface cracks, dry rot, warping, deterioration, leaning, missing panels or blocks which either threaten the structural integrity, or result in a dilapidated, decaying, disfigured, or partially ruined appearance.
- (l) **Parking areas, sidewalks.** Parking areas, private alleys, driveways, sidewalks, and walkways shall be maintained free of potholes, cracks, breaks, lifting, and other deteriorated conditions.
- (m) **Signs.** All signs shall be maintained in order to prevent deterioration, disrepair, and unsightliness.
- (n) **Excavations.** Excavations, abandoned wells, shafts, basements, and other holes shall be properly secured to prevent access by unauthorized persons.
- (o) **Landscaping.** With the exception of R-1 properties, all landscaping on the property shall be maintained pursuant to Section 13-308 LANDSCAPE MAINTENANCE of this Code. For R-1 properties, all landscaping visible from public rights-of-way shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.
- (p) **Parkway landscaping.** In residential areas, the public parkway shall be landscaped and maintained by the adjacent property owner(s). The landscaping shall be maintained in a healthy condition free of dying, dead, diseased, decayed, discarded and/or overgrown vegetation.
- (q) **Drainage.** Onsite drainage improvements shall be maintained in order to prevent deterioration, disrepair, and ineffectiveness.
- (r) **Rodent and vermin control.** All property, including landscaped areas, buildings, and structures, shall be maintained free of rodents and other vermin.
- (s) **Outdoor drying.** In all residential zones or residential developments, the outdoor airing and/or drying of laundry, clothes, other household linens, or food is permitted only in rear or side yards, provided that the items are not visible from public rights-of-way.
- (t) **Pools.** Barrier fencing and gates for swimming pools and spas shall be maintained as required by the California Building Code. Swimming pools and spas shall not contain unfiltered or stagnant water.
- (u) **Address numerals.** Street address numerals shall be maintained pursuant to following.
  - (1) Single-family units. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has

alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum 6" in height with not less than 1/2" stroke and shall contrast sharply with the background.

- (2) Multi-family units. Street address shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Street address numerals shall be a minimum 6" in height with not less than 1/2" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
- (3) Non-residential properties. Street address shall be visible from the public street and shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.

**Sec. 20-8. Compliance responsibility.**

Compliance with the standards contained in this article shall be at the sole cost of the responsible party for the real property and shall not limit the remedies or recovery of costs for the abatement of any real property found to be in violation by city council or its designee pursuant to this Code.

### ARTICLE 3. MAINTENANCE STANDARDS FOR VACANT PROPERTIES

#### Sec. 20-9. Standards for vacant real property.

- (a) **Mandatory standards.** All vacant real property in the city shall be secured and maintained at a level not less than the following standards during the time period that such property remains vacant real property:
- (1) **Graffiti.** All structures, equipment, walls, and fencing on the property shall be maintained free of graffiti pursuant to Chapter VII½ of Title 11.
  - (2) **Rubbish, litter and weeds.** All landscaped, concrete, dirt, or paved open areas on the real property and adjoining public parkway shall be kept clear of rubbish, litter, and weeds.
- (b) **Additional standards.** When deemed necessary by the Fire Chief or Building Official, and/or in order to maintain the safety of persons or property, the following standards may also be imposed:
- (1) **Access points.** All windows, doors, and other open access features to the structures on the real property shall be boarded up and secured in compliance with the standard attached as Exhibit A to the ordinance adopting this title. All boards visible from the building's exterior shall be painted to match the building's exterior.
  - (2) **Fencing.** The property shall be fenced on all sides along the property line with a chain link fence or other type of secure fencing at a minimum height of 6 feet from grade, or greater, as determined by the fire chief or building official. The fence shall be properly posted with no trespassing signs, and kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing.
  - (3) **Security lighting.** All structures which could be used for human habitation shall have an operable and effective exterior security lighting system. The front and rear yards shall each be illuminated with a minimum of one light. The lighting shall be capable of illuminating the structure's exterior so as to be visible from the street or alley from dusk to dawn. However, the lights shall be shielded to avoid lighting adjacent properties.

#### Sec. 20-10. Compliance responsibility.

Compliance with the standards contained in this article shall be at the sole cost of the responsible party for the vacant real property and shall not limit the remedies or recovery of costs for the abatement of any vacant real property found to be in violation by city council or its designee pursuant to this Code.

## ARTICLE 4. LEAF BLOWERS

### Sec. 20-11. Limited use.

- (a) **Residential areas.** In residential areas, or within 50 feet thereof, the use of leaf blowers is prohibited except during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. on Saturdays; and 12:00 noon to 5:00 p.m. on Sundays and legal holidays.
- (b) **Maximum noise levels.** Notwithstanding provisions of Chapter XIII Noise Control of Title 13 of this Code, the maximum noise level emitted by leaf blowers shall not exceed 65 decibels and shall not exceed 55 decibels for more than a total of 15 minutes at any given location. The noise level shall be measured at a distance of 50 feet from the leaf blower.
- (c) **Dirt, dust, debris.** Leaf blower operations shall not cause dirt, dust, debris, leaves, grass clippings, cuttings or trimmings from trees or shrubs to be blown or deposited on any adjacent street or property, or upon the property on which the leaf blower is being operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner, to prevent dispersment by wind, vandalism, or similar means.
- (d) **Windows and other openings.** Leaf blowers shall not be operated within a horizontal distance of 10 feet of any operable window, door or mechanical air intake opening or duct.
- (e) **Identification required.** Each leaf blower shall have the business name, address, telephone number affixed to it in a clear, identifiable manner.

## ARTICLE 5. ABATEMENT PROCEDURES

### Sec. 20-12. Abatement authorized; administrative costs.

- (a) **City Council authority.** Upon discovering that a property is in violation of this title, the city council or its designee shall have the authority to cause the abatement and removal of the violation in accordance with the procedures prescribed in this article.
- (b) **Administrative costs.** The city council shall determine and fix the amount to be assessed as administrative costs in addition to the actual costs for removal of the public nuisance conditions on the real property pursuant to this title.

### Sec. 20-13. Abatement authorized.

- (a) **Responsible officials.** The building official or fire chief or their designees are authorized to abate any dangerous building or conditions found to exist on real property subject to this title pursuant to Titles 5 and 7 of this Code, the Uniform Fire Code, or the Uniform Code for the Abatement of Dangerous Buildings, and such abatement action may include but is not limited to the implementation of standards in Articles 2 and 3 of this title.
- (b) **Weed and rubbish abatement.** The weed abatement official is authorized to abate any rubbish or weeds found to exist on any real property subject to this title and Title 7 of this Code and the Uniform Fire Code.
- (c) **Abandoned, wrecked, dismantled, or inoperative vehicles.** Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, on private property or public property within the city, the Chief Code Enforcement Officer shall have the authority to cause its abatement and removal in accordance with the procedure prescribed in this title.

### Sec. 20-14. Abatement Procedures, excepting abandoned, wrecked, dismantled, or inoperative vehicles.

- (a) **Resolution.** Where the building official or fire chief or their designees find conditions to exist on any real property in the city that violates this title, the city council by resolution may declare such conditions a public nuisance. A resolution shall refer to the real property by the name under which it is commonly known, or by the street upon which the private property fronts or abuts or nearest to which the private property is located. The resolution shall describe the property upon which the nuisance appears, in the manner set forth in subsection (b).
- (b) **Property description.** The resolution shall describe the property upon which or in front of which the nuisance exists by describing the property in accordance with the map used in describing property for taxation purposes. No other description shall be necessary. If the private property fronts or abuts upon more than one street, it shall be necessary to refer to only one of the streets. Any

number of streets or parcels of private property may be included in one resolution.

- (c) **Notice.** Notice of the hearing at which the City Council will consider a resolution declaring a public nuisance shall be provided at least 10 days in advance of the hearing to the owner of the affected premises, as shown on the latest real property tax assessment roll, any known responsible party, and shall, if practical, be posted on the affected premises. The building official or fire chief or their designees are hereby designated as the person to give notice to the responsible party to abate the public nuisance conditions on the real property. The building official or fire chief or their designees shall have the power to develop such regulations, forms, and procedures as are necessary to accomplish the purposes of this title. After city council has passed a resolution pursuant to this section, the notice to the responsible party to abate the public nuisance conditions shall comply with the following:

- (1) The notice shall be substantially in the following form:

NOTICE TO ABATE PUBLIC NUISANCE

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the city council of the City of Costa Mesa passed a resolution declaring that conditions detrimental to the public health, safety or welfare exist upon the real property on or nearest to street/road/avenue in the city, and that the conditions constitute a public nuisance which must be abated by the city, and the cost of removal assessed upon the land from which such nuisance conditions were removed and will constitute a lien upon such land until paid. Reference is hereby made to Resolution No. \_\_\_\_\_ for more particulars. A copy of the resolution is on file in the office of the city clerk, 77 Fair Drive, Costa Mesa, CA.

All property owners and other responsible parties having any objections to the proposed removal of such nuisance conditions are hereby notified to attend the meeting of the city council to be held on \_\_\_\_\_ when their objections will be heard and given due consideration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Building Official/Fire Chief/Fire Marshal

- (2) After the adoption of a resolution by city council, the notice shall be mailed by first class mail to the property owner(s) as shown by the most recently received real property tax assessment roll, and to any other responsible party, to the extent that his/her address is known.
- (3) Proof of notice shall be provided to city council at the hearing on protests as set forth in this section.
- (d) **Public hearing.** At the time stated in the notice set forth in subsection (b) of this section, the city council shall hear and consider all objections or protests, if any,

to the proposed removal of the nuisance conditions and may continue the hearing. Upon conclusion of the hearing, the city council shall allow or overrule by resolution or motion any or all objections, whereupon the city council shall acquire jurisdiction to proceed to perform the work of removal and the decision of the council on the matter shall be final and subject to California Code of Civil Procedure section 1094.6. If objections have not been made, or if the city council has overruled those made, it shall order the building official or fire chief or their designees to abate the nuisance by having the nuisance conditions removed. Such order shall be made by resolution or motion of city council.

- (e) **Appeal.** Any rehearing or judicial review of the city council decision shall be according to the procedures set forth in TITLE 2, Chapter IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (f) **Contact with responsible party.** The building official or fire chief or their designees shall not undertake to abate any nuisance by order of city council pursuant to this section until he/she has made a reasonable effort to personally contact any responsible party protesting the council order to abate, in order to explain the purpose of the program, handle any special problem, and grant the responsible party additional time if warranted to provide his/her own abatement.
- (g) **Right of entry.** The building official or fire chief or their designees may enter upon private property to inspect or abate any nuisance prohibited by this title upon:
  - (1) Receipt of consent from the owner or occupant of the affected premises; or
  - (2) Obtaining a warrant authorizing such as inspection and/or abatement. Such city official may enter the private property immediately, if the nuisance presents a significant and immediate threat to the public health, safety, or welfare.
- (h) **Removal before city representative.** Any responsible party may have the nuisance conditions removed and abated at his/her own expense if it is done before the arrival of the city representative to remove such conditions pursuant to this title.
- (i) **Abatement work; costs and records; manner of collection.**
  - (1) **Abatement work.** The abatement work may be done by city work forces or by independent contractors.
  - (2) **Records and costs.** The building official or fire chief or their designees who are responsible for carrying out the order of abatement by city council shall keep an account of the cost of abatement of the nuisance on each separate lot or parcel of land and shall render a written itemized report to city council for confirmation showing the costs of removing the nuisance conditions on each separate lot or parcel of land.

- a. **Posting of report required.** Before the report is submitted to the city council, it shall be posted at least 3 days on the bulletin board at the city hall with a notice of the time when the report will be submitted to the city council for confirmation.
  - b. **Mailing of notice of submission.** At least 7 days prior to the date of submission for confirmation, a postcard notice of the time and place of the submission of the report for confirmation, stating generally the nature of the report, shall be mailed to the owners of the parcels who have filed with the council a written request for a postcard notice within one year prior to the date of mailing the notice.
  - c. **Hearing on report.** At the time fixed for receiving and considering the report, the city council shall hear it with any objections of any of the property owners liable to be assessed for the work of abatement. The city council may make such modifications in the report as it deems necessary, after which, by motion or resolution, the report shall be confirmed.
  - d. **Costs lien on property affected.** The amount of the costs for abating the nuisance on the lot or parcel of land mentioned in the report, as confirmed, shall constitute special assessments against the respective parcels or lots, and shall be a lien on the property for the amount of the respective assessments. The decision by city council to confirm the costs for abating the nuisance shall be final and subject to California Code of Civil Procedure section 1094.6.
- (3) **Manner of collection.** A certified copy of the report set forth in subsection (2) shall be filed with the County of Orange assessor on or before August tenth. The description of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year. The amount of the assessments shall be collected at the same time and in the same manner as city taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary city taxes.
- a. **Application of tax statutes.** All laws applicable to the levy, collection and enforcement of city taxes shall be applicable to such special assessment taxes.
  - b. **Issuance of separate tax bills, receipts.** The county tax assessor, in his/her discretion, may issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments.
  - c. **Cancellation or refund required; grounds.** All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered shall, on order of the city council, be canceled by the county assessor if uncollected, or, except as provided in subsection iii hereof,

be refunded by the director of finance if collected, if it was entered, charged or paid:

- i. More than once;
- ii. Through clerical error;
- iii. Through the error or mistake of the city council or of the fire chief in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows that the city abated the nuisance but such was not the actual fact;
- iv. Illegally;
- v. On property acquired after the lien date by the state or by any county, city, school district or other political subdivision, and because of this public ownership is not subject to sale for delinquent taxes.

d. **Claim or refund.** The provisions of this section shall not apply to cancellations. No order for a refund under this section shall be made except on a claim:

- i. Verified by the person who paid the special assessment, his guardian, executor or administrator.
- ii. Filed with the city clerk on or before March first after the tax became due and payable.

(j) **Demolition.** Where the building official or fire chief or their designees find that a real property contains a structure that violates this title and presents a threat to the safety or health of the public, city council by resolution may declare the structure a public nuisance and order the demolition of the structure where it finds the property violates this title, presents an immediate threat to the safety or health of the public and finds that persons have continued to enter, occupy or inhabit such structures despite the application of the standards in section 20-9. The demolition of a structure pursuant to this section shall not occur until the abatement procedures are complied with as set forth in this title.

(k) **Emergency abatement.** In the event the nuisance constitutes a significant and immediate threat to the public health, safety, or welfare, the building official, police chief, or fire chief, or their designees, may enter the property upon which the nuisance exists, abate the nuisance, and restore any property affected by the nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner or occupant before abatement. If necessary to protect the public health, safety, or welfare, abatement may proceed without prior notice to or consent from the owner/occupant thereof and without judicial warrant.

- (1) Imminent danger shall include, but is not limited to, circumstances that present a significant and immediate threat to the public health, safety, or welfare.
- (2) Notwithstanding the authority of the City to conduct an emergency abatement action, an administrative hearing before the city council shall follow the abatement action. The hearing on the emergency abatement action shall be held within 5 business days following the action of abatement, unless the hearing (or the time required for the hearing) is waived in writing by the parties subject to the abatement action. A request for a hearing shall not be required of the person whose property is the subject of the abatement action. The city council at the hearing will determine the reasons for the abatement.

**Sec. 20-15 Abatement Procedures for Abandoned, Wrecked, Dismantled, or Inoperative Vehicles**

- (a) **Notice required.** A 10-day notice of intention to abate and remove the vehicle, or part thereof, as a public nuisance shall be mailed by registered mail to the owner of the property on which the vehicle is located and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PART THEREOF AS A PUBLIC NUISANCE.

(Name and address of owner of the property on which the vehicle is located)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Title 20, Costa Mesa Municipal Code) has determined that there exists upon said land an (or part of an) abandoned, wrecked, dismantled or inoperative vehicle registered to \_\_\_\_\_, license number \_\_\_\_\_, which constitutes a public nuisance.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said part of a vehicle) within 10-days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City of Costa Mesa, and the costs thereof, together with administrative costs, assessed to you as responsible party on which said vehicle (or said part of a vehicle) is located.

As responsible party on which said vehicle (or said part of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the city council within the 10-day period, the City of Costa Mesa shall have the authority to abate and remove said vehicle (or said part of a vehicle) as a public

nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said part of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed \_\_\_\_\_

(Date) CITY OF COSTA MESA By \_\_\_\_\_ \Building Official

**NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PART THEREOF AS A PUBLIC NUISANCE.**

(Name and address of last registered and legal owner(s) of record of vehicle--notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle-make, model, license, etc.) you are hereby notified that the undersigned, pursuant to Title 20, Costa Mesa Municipal Code, has determined that said vehicle (or part of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of said Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said part of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said part of a vehicle), you are hereby notified that you may, within ten 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the city council within such 10-day period, the city council shall have the authority to abate and remove said vehicle (or said part of a vehicle) without a hearing.

Notice Mailed \_\_\_\_\_

(Date) CITY OF COSTA MESA By \_\_\_\_\_ \Building Official

(b) **Public hearing upon written request.** Upon request by the owner of the vehicle or the owner of the property on which the vehicle is located received by the city within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle, or part thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the costs of removal of the vehicle, or part thereof, against the property on which it is located.

(c) **Public hearing upon constructive request; notice of hearing; authority to abate and remove without hearing.**

If the owner of the property on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land within such 10-day period, said statement shall be construed as a request for a hearing which does not require his/her presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the property on which the vehicle is located and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle, or part thereof, as a public nuisance without holding a public hearing.

(d) **City Council to hear facts and testimony.** All hearings under this title shall be held before the city council, which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning its location on the said private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the property on which the vehicle is located may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with his/her reasons for such denial.

(e) **General powers of city council; notice of council's decision.**

(1) The city council may impose such conditions and take such other action, as it deems appropriate under the circumstances to carry out the purposes of this title. It may delay the time for removal of the vehicle, or part thereof, if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the responsible party. The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

- (2) If it is determined at the hearing that the vehicle, or part thereof, was placed on the land without the consent of the owner of the property on which the vehicle is located and that he/she has not subsequently acquiesced in its presence, the city council shall not assess the costs of administration or removal of the vehicle, or part thereof, against the property upon which the vehicle, or part thereof, is located or otherwise attempt to collect such costs from such owner of the property on which the vehicle is located.
- (3) If the owner of the property on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, or if an interested party makes a written presentation to the city council but does not appear, he/she shall be notified in writing of the decision.
- (f) **Appeal.** Any rehearing or judicial review of the city council decision shall be according to the procedures set forth in TITLE 2, Chapter IX APPEAL, REHEARING AND REVIEW PROCEDURE.
- (g) **Disposal.** Seven days after adoption of the order declaring the vehicle, or part thereof, to be a public nuisance, or 7 days from the date of mailing of notice of the decision if such notice is required by this article, the vehicle, or part thereof, may be disposed of by removal to a scrap yard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.
- (h) **Notice of removal to department of motor vehicles.** Within 5 days after the removal of the vehicle, or part thereof, notice shall be given to the department of motor vehicles identifying the vehicle, or part thereof, removed. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration available, including, but not limited to the registration card, certificates of ownership, and license plates.
- (i) **Costs of removal assessed.** If the administrative costs and the cost of removal which are charged against the owner of the property on which the vehicle is located or any other known responsible party pursuant to this title are not paid within 30 days of the date of the order, or the final disposition of an appeal there from, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code, and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other city taxes.
- (j) **Nonexclusive remedy.** This title is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles with the City of Costa Mesa. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City of Costa Mesa, the state, or any other legal entity or agency having jurisdiction.