



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA AUGUST 19, 2026 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

JERAMY CHAPDELAINE, MAYOR
AARON PAMMA, VICE MAYOR
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

BENJAMIN MOODY,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

Public Participation Options:

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
 - **Public Attendance:** Members of the public who attend in person may make comments from the Council Chamber podium.
 - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and reflected in the meeting minutes. Please note that emailed comments will NOT be read aloud during the meeting unless an approved accommodations request has been granted.
 - **eComment Feature:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Council prior to the meeting and reflected in the meeting minutes. Please note that eComments will NOT be read aloud during the meeting unless an approved accommodations request has been granted.
- **Remote Participation – Viewing Only - No Public Participation via Remote:**
 - The meeting will be livestreamed for public viewing, but not participation, as follows:

- *Granicus livestream:* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
- *Zoom livestream:*
 - ***Join by Electronic Device:***
<https://us02web.zoom.us/j/89513059139>
 - ***Join by Phone:***
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 895 1305 9139

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE AND INVOCATION

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

PRESENTATIONS AND RECOGNITIONS

PUBLIC COMMENT

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
Recommendation: Approve the July 15, 2026, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. Adoption of the City of Live Oak's Revised Fiscal Year 2025-26 and Fiscal Year 2026-27 Appropriations Limit
Recommendation: 1) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2025-26; and 2) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2026-27.
(Ethan Gutierrez, Finance Director)

PUBLIC HEARING ITEMS

3. Nuisance Ordinance Update
Recommendation: Conduct the Public Hearing, and upon close of the Public Hearing, introduce an Ordinance repealing and replacing Live Oak Municipal Code Title 8, Chapter 8.24, Nuisance Abatement Code, and repealing Chapter 14, Neighborhood and Community Preservation Program, and waive the first reading.
(Jaspreet Kaur, Community and Economic Development Director)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER REPORTS / COMMENTS / REQUESTS

ADJOURNMENT

CITY OF LIVE OAK
STAFF REPORT

Date: August 19, 2026
To: Honorable Mayor & Members of the City Council
From: Clarissa Menchaca, City Clerk

Subject: City Council Meeting Minutes

Background:

Submitted for approval are the July 15, 2026, City Council Regular Meeting minutes.

Recommendation:

Approve the July 15, 2026, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
JULY 15, 2026
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

JERAMY CHAPDELAINE, MAYOR
AARON PAMMA, VICE MAYOR
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER
BOB WOTEN, COUNCILMEMBER

BENJAMIN MOODY,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Vice Mayor Pamma at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:01 pm.

ROLL CALL

Present: Councilmembers Woten, Hernandez, and Vice Mayor Pamma

Absent: Councilmember Santana and Mayor Chapdelaine

PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Mayor Pamma led the Pledge of Allegiance. Councilmember Woten delivered the invocation.

CORRECTIONS OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections or changes to the agenda.

PRESENTATIONS AND RECOGNITIONS

There were no presentations or recognitions.

PUBLIC COMMENT

Public Comment was opened and closed without any speakers.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: **APPROVE THE CONSENT AGENDA.**
 (MOTION: HERNANDEZ; SECOND: WOTEN)

VOTE: **MOTION PASSED 3-0-2**
AYES: **COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA**
NOES: **NONE**
ABSENT: **COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE**

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: June 17, 2026, City Council Regular Meeting minutes approved.
2. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: July 1, 2026, City Council Regular Meeting minutes approved.
3. Election Services Agreement for Consolidation with the Statewide General Election
Clarissa Menchaca, City Clerk
Council action: 1) Resolution No. 19-2026 approving the Agreement for Election Services between the County of Sutter and the City of Live Oak adopted; and 2) Mayor authorized to execute the agreement on behalf of the City requesting consolidation with the Statewide General Election.
4. FY2026-27 Personnel Changes
Jessica Mata, Management Analyst
Council action: 1) Reclassification of the existing Chief Plant Operator to Utilities Superintendent approved; and 2) Resolution No. 20-2026 adopted which includes: a) Adjustments to the Non-Represented and Part-Time Employee Salary Schedules to align with state minimum wage and FY2026-27 budget changes; b) Amendment to Resolution No. 17-2025 to include the addition of the Utilities Superintendent and recognize the Finance Director and Community and Economic Development Director; and 3) Delete the Part-Time Maintenance Worker classification.

PUBLIC HEARING ITEMS

5. FY2025-26 Water and Sewer Property Liens
Ethan Gutierrez, Finance Director

Ethan Gutierrez, Finance Director, provided a presentation for the Council.

Opened the Public Hearing at 6:08 pm.

Public Comment was opened and closed without any speakers.

Closed the Public Hearing at 6:08 pm.

MOTION: **A) ADOPT A RESOLUTION TO ASSESS PROPERTIES IDENTIFIED IN EXHIBIT B FOR UNPAID WATER AND SEWER BILLS; AND 1) CONFIRM THAT THE ASSESSMENT SHALL CONSTITUTE A SPECIAL ASSESSMENT AGAINST ANY LIEN UPON EACH IDENTIFIED PROPERTY; AND 2) DIRECT CITY MANAGER OR DESIGNEE TO SUBMIT A CERTIFIED COPY OF THE RESOLUTION AND ANY OTHER RELATED DOCUMENTATION TO THE SUTTER COUNTY AUDITOR-CONTROLLER TO FULFILL THE REQUEST FOR COLLECTION.**
(MOTION: HERNANDEZ; SECOND: WOTEN)

VOTE: **MOTION PASSED 3-0-2**

AYES: **COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA**

NOES: **NONE**

ABSENT: **COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE**

Reference Resolution No. 21-2026.

6. FY2025-26 Refuse Disposal Property Liens
Ethan Gutierrez, Finance Director

Ethan Gutierrez, Finance Director, provided a presentation for the Council.

Rigo Diaz, General Manager at Recology, addressed questions from the Council.

Opened the Public Hearing at 6:13 pm.

Public Comment was opened and closed without any speakers.

Closed the Public Hearing at 6:13 pm.

MOTION: A) ADOPT A RESOLUTION TO ASSESS PROPERTIES IDENTIFIED IN EXHIBIT B FOR REFUSE DISPOSAL; AND 1) CONFIRM THAT THE ASSESSMENT SHALL CONSTITUTE A SPECIAL ASSESSMENT AGAINST ANY LIEN UPON EACH IDENTIFIED PROPERTY; AND 2) DIRECT CITY MANAGER OR DESIGNEE TO SUBMIT A CERTIFIED COPY OF THE RESOLUTION AND ANY OTHER RELATED DOCUMENTATION TO THE SUTTER COUNTY AUDITOR-CONTROLLER TO FULFILL THE REQUEST OF COLLECTION.
(MOTION: WOTEN; SECOND: HERNANDEZ)

VOTE: MOTION PASSED 3-0-2

AYES: COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA

NOES: NONE

ABSENT: COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE

Reference Resolution No. 22-2026.

BUSINESS ITEMS

7. FY2026-27 Special Tax Assessment for Community Facilities District No. 92-1
Ethan Gutierrez, Finance Director

Ethan Gutierrez, Finance Director, provided a presentation for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT A RESOLUTION APPROVING A SPECIAL TAX COLLECTION FOR FY2026-27 FOR THE CITY OF LIVE OAK'S COMMUNITY FACILITIES DISTRICT NO. 92-1.
(MOTION: WOTEN; SECOND: HERNANDEZ)

VOTE: MOTION PASSED 3-0-2

AYES: COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA

NOES: NONE

ABSENT: COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE

Reference Resolution No. 23-2026.

8. FY2026-27 Special Tax Assessment for Community Facilities District No. 2004-1
Ethan Gutierrez, Finance Director

Ethan Gutierrez, Finance Director, provided a presentation for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT A RESOLUTION APPROVING A SPECIAL TAX COLLECTION FOR FY**2026-27** FOR THE CITY OF LIVE OAK'S COMMUNITY FACILITIES DISTRICT NO. **2004-1**.
(MOTION: HERNANDEZ; SECOND: WOTEN)

VOTE: MOTION PASSED **3-0-2**
AYES: COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA
NOES: NONE
ABSENT: COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE

Reference Resolution No. 24-2026.

9. FY2026-27 Special Tax Assessment for Fire Protection and Street Lighting Maintenance
Ethan Gutierrez, Finance Director

Ethan Gutierrez, Finance Director, provided a presentation for the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT A RESOLUTION APPROVING A SPECIAL TAX COLLECTION FOR FY**2026-27** FOR THE CITY OF LIVE OAK'S FIRE PROTECTION AND STREET LIGHTING MAINTENANCE.
(MOTION: WOTEN; SECOND: PAMMA)

VOTE: MOTION PASSED **3-0-2**
AYES: COUNCILMEMBERS WOTEN, HERNANDEZ, AND VICE MAYOR PAMMA
NOES: NONE
ABSENT: COUNCILMEMBER SANTANA AND MAYOR CHAPDELAINE

Reference Resolution No. 25-2026.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

City Manager Benjamin Moody highlighted the Little League Softball Team's send-off, scheduled for Thursday, July 16, 2026, at 6:00 a.m. The team will meet at the Community Center, where the Sheriff's Office, Fire Department, and City crews will assist with the send-off. Mr. Moody also provided an update on Quickly, noting that the business is nearing its opening. Lastly, the Parks and Recreation Department is coordinating an "Ice Cream and a Movie" event scheduled for Wednesday, July 22, 2026, at 6:00 p.m. Councilmembers are invited to attend and assist with serving ice cream.

COUNCILMEMBER COMMENTS

Councilmember Woten inquired whether any major reconstruction was required for Quickly and why it took long for the business to become operational.

ADJOURNMENT

Vice Mayor Pamma adjourned the meeting at 6:31 pm.

Jeramy Chapdelaine, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

CITY OF LIVE OAK STAFF REPORT

Date: August 19, 2026
To: Honorable Mayor & Members of the City Council
From: Ethan Gutierrez, Finance Director

Subject: Adoption of the City of Live Oak's Revised Fiscal Year 2025-26 and Fiscal Year 2026-27 Appropriations Limit

Summary: Recommendation: 1) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2025-26; and 2) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2026-27.

Fiscal Impact: None. The City still stays well below the Appropriation Limit for both fiscal years.

Purpose:

To revise the adopted City's Appropriation Limit for FY2025-26 and FY2026-27.

Background:

Pursuant to Article XIII B of the California Constitution, a City is required to provide the total annual appropriation limitation of a government agency of which shall not exceed the appropriation limit of such entity of government for the prior year adjusted for changes in inflation and population. The City of Live Oak calculates and determines said appropriations limit for each fiscal year during the adoption of the applicable year's fiscal year budget.

On June 18, 2025, City Council approved the establishment of the City's Appropriation Limit for FY2025-26 in the amount of \$8,159,184 of which appropriations subject to the appropriation limit were estimated at \$5,115,497 resulting being under the appropriation limit by \$3,003,686. On June 17, 2026, City Council approved the establishment of the City's Appropriation Limit for FY2026-27 in the amount of \$8,597,316 of which appropriations subject to the appropriation limit were estimated at \$6,354,346 resulting being under the appropriation limit by \$2,242,970.

Analysis:

During interim audit fieldwork for FY 2025-26, the City's contracted auditing firm, RAMS, noted an error in the FY 2025-26 Appropriation Limit that requires revision. As a result, the FY 2026-27 Appropriation Limit must also be revised because it is based on the revised FY 2025-26 limit. This staff report also serves as informal notice to the Council that RAMS is required to report this matter as a finding in the Agreed-Upon Procedures (AUP) for the FY 2025-26 audit

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for which it will be formally addressed after the FY2025-26 audit completion including the audited financial presentation in early 2027.

Fiscal Impact:

None. The City still stays well below the Appropriation Limit for both fiscal years.

Recommendation:

1) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2025-26; and 2) Adopt a Resolution approving the City's Revised Appropriation Limit for Fiscal Year 2026-27.

Attachments:

Exhibit A - Resolution - FY2025-26 GANN Appropriations Limit (REVIEW)

Exhibit B - Resolution - FY2026-27 GANN Appropriations Limit (REVIEW)

Exhibit C - FY2025-26 Revised GANN Appropriations Limit

Exhibit D - FY2026-27 Revised GANN Appropriations Limit

RESOLUTION OF THE CITY OF LIVE OAK, COUNTY OF SUTTER, STATE OF CALIFORNIA, ESTABLISHING THE REVISED APPROPRIATIONS LIMIT FOR FISCAL YEAR 2025-26 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XIII B of the California Constitution provides that the total annual appropriation subject to limitation of each governmental agency, including this City, shall not exceed the appropriation limit of such entity of government for the prior year adjusted for changes in inflation and population, except as otherwise provided for in said Article XIII B and implementing State statutes; and

WHEREAS, pursuant to Proposition 111, the said Article XIII B has been modified and the City Council of the City of Live Oak may annually elect one of two options for each growth factor (the inflation growth and the population growth); and

WHEREAS, the City Council of the City of Live Oak has selected the change in Per Capita Personal Income and the growth of the City as the population factor; and

WHEREAS, the City Council of the City of Live Oak has calculated and determined that said appropriations limit for Fiscal Year 2024-25 be established in the amount of \$7,169,775; and

WHEREAS, the Finance Director has made available to the public, the documentation used in the determination of the appropriations limit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Live Oak determines that a revised appropriations limit in said amount is \$7,694,850 and the same is hereby established for said Fiscal Year 2025-26.

LET IT BE FURTHER RESOLVED that the City Council of the City of Live Oak determines that the revised appropriations subject to the appropriations limit are estimated at \$5,155,497, which is below the limit by \$2,539,353 for Fiscal Year 2025-26.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 19th day of August, 2026, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Jeremy Chapdelaine, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

RESOLUTION OF THE CITY OF LIVE OAK, COUNTY OF SUTTER, STATE OF CALIFORNIA, ESTABLISHING THE REVISED APPROPRIATIONS LIMIT FOR FISCAL YEAR 2026-27 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XIII B of the California Constitution provides that the total annual appropriation subject to limitation of each governmental agency, including this City, shall not exceed the appropriation limit of such entity of government for the prior year adjusted for changes in inflation and population, except as otherwise provided for in said Article XIII B and implementing State statutes; and

WHEREAS, pursuant to Proposition 111, the said Article XIII B has been modified and the City Council of the City of Live Oak may annually elect one of two options for each growth factor (the inflation growth and the population growth); and

WHEREAS, the City Council of the City of Live Oak has selected the change in Per Capita Personal Income and the growth of the City as the population factor; and

WHEREAS, the City Council of the City of Live Oak has calculated and determined that said appropriations limit for Fiscal Year 2025-26 be established in the amount of \$7,694,850; and

WHEREAS, the Finance Director has made available to the public, the documentation used in the determination of the appropriations limit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Live Oak determines that a revised appropriations limit in said amount is \$8,108,048 and the same is hereby established for said Fiscal Year 2026-27.

LET IT BE FURTHER RESOLVED that the City Council of the City of Live Oak determines that the revised appropriations subject to the appropriations limit are estimated at \$6,354,346, which is below the limit by \$1,753,702 for Fiscal Year 2026-27.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 19th day of August, 2026, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Jeremy Chapdelaine, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



Gann Appropriation Limit Fiscal Year 2025-26

FY 2024-25	Appropriations Limit	\$ 7,169,775
	Change in Per Capita Personal Income	6.44%
	Per Capita converted to a Ratio	1.0644
	Change in Population	0.83%
	Population converted to a Ratio	1.0083
	Calculation of Factor (1.0644 x 1.0083)	<u>1.0732</u>
FY 2025-26	Appropriations Limit	<u>\$ 7,694,850</u>
FY 2025-26	Proceeds of Taxes	\$ 5,155,497
FY 2025-26	Amount Under Appropriation Limit	\$ 2,539,353

The establishment of the appropriation limit for the following fiscal year is required by each agency per Article XIII B of the California Constitution-Gann Initiative. The City can select the larger of the percentage for City or County population growth. Also, the City can select the larger of the percentage increase in the State's per capita income or the increase in the City's new construction nonresidential assessed valuation as the inflationary factor. The following are the rates provided by the State of California Department of Finance.

Change in Population Growth	
City	0.58%
County	0.83%
Change in State's Per Capita Income	6.44%



Fiscal year 2025-26
Appropriations Subject to the
Appropriations Limit

Article XIII B of the California Constitution requires an annual calculation of the City's appropriation limitation. The City's expenditures utilizing taxes may not increase beyond the relation to changes in per capita income and population change.

General Fund Appropriations Subject to the Limit

Secured Property Taxes	\$ 1,089,440	
Unsecured Property Taxes	56,508	
Homeowners Exemption	8,500	
Property Tax In Lieu of Vehicle License Fees	1,546,496	
General Sales and Use Tax	480,000	
Prop 172 Public Safety Augmentation	45,000	
Property Tax Other	-	
Excise Tax	15,000	
Business License	48,000	
PG&E Franchise Fee	105,000	
Cable TV Franchise Fee	45,000	
Recology Franchise Fee	145,000	
Transfer Tax	10,000	
VLF Motor Vehicle In Lieu	11,000	
Vehicle Code Fines	1,000	
Interest Earnings on Tax Proceeds*	36,059	
General Fund Portion Subject to the Limit		<u>\$ 3,642,003</u>
(Exclude fees and permits designed to recover costs)		

Special Revenue Appropriations

14 Streets & Roads Gas Tax	\$ 528,156	
15 Transportation Tax Non Transit	-	
16 Traffic Safety (Vehicle Code Fines)	-	
17 COPS Fund	20,000	
20 Street Light Assessment	54,464	
21 Mello Roos CFD 92-1	105,000	
22 Fire Benefit Assessment	134,650	
23 Mello Roos Fire CFD 2004-1	138,822	
24 Mello Roos Police CFD 2004-1	385,610	
25 Mello Roos Animal Services CFD 2004-1	23,137	
26 Mello Roos Street Lighting CFD 2004-1	23,137	
27 Mello Roos Parks & Recreation CFD 2004-1	77,381	
28 Mello Roos Storm Drain CFD 2004-1	23,137	
Special Revenue Portion Subject to the Limit		<u>\$ 1,513,494</u>

Total Appropriations Subject to the Limit	<u>\$ 5,155,497</u>
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Gann Appropriation Limit Fiscal Year 2026-27

FY 2025-26	Appropriations Limit	\$ 7,694,850
	Change in Per Capita Personal Income	4.95%
	Per Capita converted to a Ratio	1.0495
	Change in Population	0.40%
	Population converted to a Ratio	1.0040
	Calculation of Factor (1.0495 x 1.004)	<u>1.0537</u>
FY 2026-27	Appropriation Limit	<u>\$ 8,108,048</u>
FY 2026-27	Proceeds of Taxes	\$ 6,354,346
FY 2026-27	Amount Under Appropriation Limit	\$ 1,753,702

The establishment of the appropriation limit for the following fiscal year is required by each agency per Article XIII B of the California Constitution-Gann Initiative. The City can select the larger of the percentage for City or County population growth. Also, the City can select the larger of the percentage increase in the State's per capita income or the increase in the City's new construction nonresidential assessed valuation as the inflationary factor. The following are the rates provided by the State of California Department of Finance.

Change in Population Growth	
City	0.10%
County	0.40%
Change in State's Per Capita Income	4.95%



Fiscal year 2026-27
Appropriations Subject to the
Appropriations Limit

Article XIII B of the California Constitution requires an annual calculation of the City's appropriation limitation. The City's expenditures utilizing taxes may not increase beyond the relation to changes in per capita income and population change.

General Fund Appropriations Subject to the Limit

Secured Property Taxes	\$ 1,127,060	
Unsecured Property Taxes	55,950	
Homeowners Exemption	8,500	
Property Tax In Lieu of Vehicle License Fees	1,555,351	
General Sales and Use Tax	500,000	
Prop 172 Public Safety Augmentation	42,000	
Property Tax Other	-	
Excise Tax	15,000	
Business License	60,000	
PG&E Franchise Fee	105,000	
Cable TV Franchise Fee	45,000	
Recology Franchise Fee	180,250	
Transfer Tax	15,000	
VLF Motor Vehicle In Lieu	15,000	
Vehicle Code Fines	500	
Interest Earnings on Tax Proceeds*	37,246	
General Fund Portion Subject to the Limit		<u>\$ 3,761,857</u>
(Exclude fees and permits designed to recover costs)		

Special Revenue Appropriations

14 Streets & Roads Gas Tax	\$ 559,100	
15 Transportation Tax Non Transit	700,789	
16 Traffic Safety (Vehicle Code Fines)	7,500	
17 COPS Fund	210,000	
20 Street Light Assessment	55,000	
21 Mello Roos CFD 92-1	110,000	
22 Fire Benefit Assessment	134,000	
23 Mello Roos Fire CFD 2004-1	150,000	
24 Mello Roos Police CFD 2004-1	408,000	
25 Mello Roos Animal Services CFD 2004-1	23,600	
26 Mello Roos Street Lighting CFD 2004-1	24,400	
27 Mello Roos Parks & Recreation CFD 2004-1	185,700	
28 Mello Roos Storm Drain CFD 2004-1	24,400	
Special Revenue Portion Subject to the Limit		<u>\$ 2,592,489</u>

Total Appropriations Subject to the Limit	<u>\$ 6,354,346</u>
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CITY OF LIVE OAK STAFF REPORT

Date: August 19, 2026
To: Honorable Mayor & Members of the City Council
From: Jaspreet Kaur, Community and Economic Development Director

Subject: Nuisance Ordinance Update

Summary: Recommendation: Conduct the Public Hearing, and upon close of the Public Hearing, introduce an Ordinance repealing and replacing Live Oak Municipal Code Title 8, Chapter 8.24, Nuisance Abatement Code, and repealing Chapter 14, Neighborhood and Community Preservation Program, and waive the first reading.

Fiscal Impact: Staff time to administer and enforce the ordinance as appropriate.

Purpose:

To update the City's Nuisance ordinance to help streamline processes, address current needs, and provide staff adequate legal tools to remedy public nuisances.

Background:

The City Council has expressed a desire to enhance and promote the maintenance of property in the City; with the intent that it promotes livability, enhances the community appearance, and raises the social and economic conditions of the community.

Staff has coordinated with internal departments and the City Attorney's office to develop an effective nuisance abatement code that will put in place a compliance program that eliminates and prevents the spread of blight, crime, makes neighborhoods safer and more livable, and promotes economic development and pride in the community.

Through this process staff is recommending the full repeal and replacement of the City's Municipal Code Title 8, Chapter 8.24, Nuisance Abatement Code, and repeal Chapter 14, Neighborhood and Community Preservation Program.

Analysis:

City staff, including the City Manager, Code Enforcement and the City Attorney have coordinated to put together an updated nuisance abatement code that addresses long standing delinquencies and provides clear processes and options to aid the abatement

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process.

The proposed ordinance complies with current legal requirements, provides a streamlined process, and allows for a wide range of enforcement mechanisms to the City with a level of discretion that is legally compliant.

Additionally, the proposed code specifically defines nuisance conditions and activities, establishes nuisance enforcement options, establishes appeal processes, and defines the terms of cost recovery.

Staff's goal is to try to encourage voluntary compliance through noticing and education. However, to address properties that are non-compliant the proposed code puts tools in place allowing for more timely enforcement, thus resolving nuisances faster.

*A typical code enforcement action (i.e. blight in front of a residence) would involve the following processes:

- * Code enforcement receives a complaint via web application, phone call, email, or in-person.
- * An onsite inspection is performed to verify complaint.
- * Once a complaint is verified Code Enforcement may make discretionary initial contact:
- ** Education - informal notice/door knocker regarding issue, with a reasonable timeline established to remedy. Timelines are established based on the severity of the issue.
- * Follow up inspection for compliance.
- * If property is still in violation a formal notice to correct is sent with a reasonable timeline established.
- * Follow up inspection.
- * If property remains in violation, City would initiate administrative processes.

* Administrative citation penalty:

- (1) First administrative citation: \$100.00 per violation;
- (2) Second administrative citation: \$200.00 per violation;
- (3) Third administrative citation: \$500.00 per violation; and
- (4) \$500.00 per violation for each subsequent day of violation.

Should this not result in the nuisance being abated or appropriate fees/fines being paid, the City would then have the option to proceed with recording legal notices of Pending Administrative Action and/or Notice of Costs and Penalties on the property and/or allow for the City to begin working through a special assessment lien process.

At any time during the process, if compliance is obtained, staff would then work to close out the case and coordinate with property representative to remedy any penalties and/or notices on the property in accordance with the code.

The proposed ordinance provides flexibility for staff to initiate code enforcement proactively with tools in place to base penalties on the severity of the violation(s). Cases can be handled with stringent timelines and stronger penalties to obtain corrective action for violations that the City warrants necessary, as long as there is consistency when dealing with violation types. For cases that remain non-compliant and/or deemed health and safety concerns staff anticipates working with the City attorney to utilize options ranging from placing liens on property to

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pursuing criminal prosecution.

Staff also recommends updating the Master Fee Schedule to reflect the changes to match the new Ordinance, subject to adoption. The proposed changes include eliminating non-building safety code fee and building safety code enforcement, to only having one Code Enforcement Fee as shown below. The cost is per each violation that is identified in the letter issued to the property owner.

- * First Violation: \$100
- * Second Violation: \$200
- * Third Violation: \$500
- * Each additional violation of the same code provision: \$500
- * Initial Appeal: \$300 nonrefundable
- * Appeal Hearing: \$950

If City Council decides to move forward with the new Ordinance and fees, staff will bring an item to Council to adopt the proposed fees and update the Master Fee Schedule in accordance with California Government Code Section 6062a.

Fiscal Impact:

Staff time to administer and enforce the ordinance as appropriate. Staff anticipates cost recovery.

Recommendation:

Conduct the Public Hearing, and upon close of the Public Hearing, introduce an Ordinance repealing and replacing Live Oak Municipal Code Title 8, Chapter 8.24, Nuisance Abatement Code, and repealing Chapter 14, Neighborhood and Community Preservation Program, and waive the first reading.

Attachments:

[Attachment 1_Ordinance Headings](#)

[Attachment 2_Item XX- Nuisance Ordinance](#)

[Attachment 3_Chapter 14 - Neighborhood and Community Preservation Program](#)

ATTACHMENT 1

CHAPTER 8.24

NUISANCE ABATEMENT

- § 8.24.010** Title
- § 8.24.020** Purpose
- § 8.24.030** Application
- § 8.24.040** Enforcement
- § 8.24.050** Right of Entry
- § 8.24.060** Responsibility for Property Maintenance
- § 8.24.070** Hearing Examiner Panel
- § 8.24.080** Violations and Penalties
- § 8.24.082** Notice of Noncompliance
- § 8.24.084** Release of Notice of Noncompliance
- § 8.24.090** Definitions
- § 8.24.100** Specified Nuisances
- § 8.24.102** Weeds, Vegetation, and Rubbish
- § 8.24.104** Garbage
- § 8.24.106** Vacant Buildings: Nuisance and Abatement
- § 8.24.110** Additional Enforcement
- § 8.24.112** Multiple Response Nuisances
- § 8.24.120** Cumulative Remedies
- § 8.24.130** Summary Abatement
- § 8.24.140** Commencement of Administrative Abatement Proceedings
- § 8.24.150** Notice to Correct
- § 8.24.160** Notice of Violation and Penalty Order
- § 8.24.161** Initial Appeal
- § 8.24.170** Establishing Amount of Administrative Penalties
- § 8.24.180** Appeal Hearing
- § 8.24.190** Enforcement of Order
- § 8.24.200** Payment of Administrative Penalties
- § 8.24.210** Enforcement of Final Orders
- § 8.24.220** Interference with Abatement Prohibited
- § 8.24.230** Extensions of Time
- § 8.24.240** Costs and Expenses of Abatement and Administrative Penalties Which Accrue Following Hearing Examiner's Decision
- § 8.24.250** Procedure for Assessment of Costs
- § 8.24.260** Notice of Assessment Hearing

§ 8.24.265 Assessment of Administrative Penalties Following the Hearing Examiner's Decision
When the City Does Not Seek Recovery of Costs and Expenses of Abating the Nuisance

§ 8.24.270 Hearing to Confirm Costs and Expenses of Abatement and Administrative Penalties

§ 8.24.280 Assessment of Costs and Administrative Penalties—Special Assessment Lien Against
Property

§ 8.24.290 Municipal Affairs

ATTACHMENT B

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK TO REPEAL AND REPLACE LIVE OAK MUNICIPAL CODE TITLE 8, CHAPTER 8.24, NUISANCE ABATEMENT CODE, AND REPEAL CHAPTER 14, NEIGHBORHOOD AND COMMUNITY PRESERVATION PROGRAM IN IT'S ENTIRETY.

WHEREAS, the City of Live Oak 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; and

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

WHEREAS, by declaring that violations of the Live Oak Municipal Code constitute a public nuisance, the City Council has determined that by violating the City's laws contained in the Live Oak Municipal Code, a person or entity creates a threat or danger to the public health, safety or welfare as a public nuisance; and

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

WHEREAS, Section 2929.3 of the California Civil Code authorizes the City of Live Oak to abate a public nuisance existing at residential properties acquired through foreclosure or a deed of trust and to charge fines for noncompliance; and

WHEREAS, Chapter 13 of Part 2 of Division 3 of Title 4 of the California Government Code authorizes local procedures for weed abatement; and

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

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

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; and

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; and

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 Live Oak 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 Live Oak Municipal Code and in other applicable laws, rules and regulations; and

WHEREAS, the City Council finds that the Live Oak Municipal Code does not provide an adequate administrative remedy for properties harboring conditions that constitute a public nuisance; and

WHEREAS, the City Council has an interest in maintaining the City of Live Oak 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; and

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

NOW THEREFORE, the people of the chartered City of Live Oak do hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. Chapter 14 of the Live Oak Municipal Code is repealed in its entirety;

SECTION 3. Chapter 8, of Title 24, of the Live Oak Municipal Code is repealed in its entirety and the following provisions are adopted in their entirety to read as follows:

CHAPTER 8.24

NUISANCE ABATEMENT

§ 8.24.010 Title.

This chapter shall be known and may be cited as the “Nuisance Abatement Code” and shall hereinafter be referred to herein as “this chapter.”

§ 8.24.020 Purpose.

- a. It is the intent of the City Council in adopting this chapter to provide a comprehensive method for identification and abatement of certain public nuisances within the City of Live Oak.
- b. Provisions of this chapter are to be supplementary and complementary to all of the provisions of the city's municipal code, state law (including Civil Code Section 3479 et seq., Government Code Section 38771 et seq., Government Code Section 53069.4, Penal Code Section 370 et seq., Health and Safety Code Section 14875 et seq.) and any law, common law or in equity, and nothing herein shall be read, interpreted or construed in

any manner so as to limit any existing right or power of the city to abate any and all nuisances and impose administrative penalties for a violation of this chapter.

§ 8.24.030 Application.

The provisions of this chapter shall apply generally to any property in the city where any of the conditions hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this chapter, but which is specifically authorized under any city, state or federal law, shall not be deemed to violate this chapter.

§ 8.24.040 Enforcement.

The city manager and each department head or their authorized representative (hereinafter referred to as "enforcement officers") are hereby authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which their respective departments have primary enforcement responsibility.

§ 8.24.050 Right of Entry.

- a. Whenever it is necessary to make an inspection of any premises to enforce the provisions of this chapter, and to the extent authorized by law, the enforcement officers may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon him/her by this chapter, subject to the requirements of Amendment IV of the United States Constitution and any other provisions of applicable law.
- b. Whenever practicable, the enforcement officer shall contact the occupant of such premises prior to entry and inform the occupant of the reasons for such entry onto such property, and if the occupant is a person other than the owner, the enforcement officer shall also, if practicable, contact such owner.
- c. If the owner, occupant or any third party in control or possession of the premises refuses entry onto any premises, the enforcement officer shall have recourse to every remedy provided by law to secure peaceable entry on such premises to perform the duties required by this chapter.

§ 8.24.060 Responsibility for Property Maintenance.

- a. Every owner of real property within the city is required to maintain such property in a manner so as not to violate the provisions of this chapter, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.
- b. Every occupant, lessee, property manager or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required by the owner thereof, and the duty imposed by this section

on the owner thereof shall in no instance relieve those persons from the similar duty.

- c. Other responsible persons shall be required to maintain such property in the same manner as required by the owner described in subsection (a) of this section. As used in this subsection "other responsible persons" means any officer, member, manager, employee, director, shareholder, partner, or other person having control or supervision of, or who is charged with the responsibility for, the operation of the corporation, partnership, limited partnership, limited liability partnership, or limited liability company who possesses the authority, individually or collectively with others, to direct actions of the entity for which they are a "responsible person," to comply with this chapter.

§ 8.24.070 Hearing Examiner Panel.

In order to hear cases brought by the Enforcement Officer under the provisions of this Chapter, the City Council shall appoint by resolution or ordinance a hearing panel of three examiners. Such examiners shall serve at the pleasure of the City Council. A panel of three such Hearing Examiners shall be randomly selected to hear an appeal of a Notice of Violation and Penalty Order issued pursuant to Section 8.24.160. Any reference in this Chapter to a "Hearing Examiner" shall be deemed to reference a panel of three Hearing Examiners or, in the alternative, the City Council may serve as the Hearing Examiner panel. Initial appeals shall be heard by the City Manager or the City Manager's designee pursuant to Section 8.24.161

§ 8.24.080 Violations and Penalties.

- a. Any person, firm, corporation, or other entity, whether owner, lessee, sublessor, sublessee, or occupant of any premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:
 - (1) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars, or by imprisonment of not longer than six months, or both;
 - (2) Such person shall be prosecuted in a civil action brought by the city. The city attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin any nuisance, violation of this chapter, or violation of any other ordinance of the city;
 - (3) Such person shall be subject to summary or administrative abatement of the nuisance by the city, and be subject to fines, penalties, fees and costs imposed by the city pursuant to the summary or administrative abatement procedures contained in this chapter or any other provisions of law.

§ 8.24.082 Notice of noncompliance.

When a notice and order has been previously served, and the specified time to correct has passed without adequate correction of the violation and code violation(s) still exist the Building Official may file a notice of noncompliance with Sutter County Recorder's Office. The cost to file a notice of noncompliance will be charged to the property owner.

§ 8.24.084 **Release of notice of noncompliance.**

When code violation(s) compliance has been achieved to the satisfaction of the City Inspector, a release of the notice of noncompliance will be granted to the property owner. The cost for the release of the notice of noncompliance will be charged to the property.

§ 8.24.090 **Definitions.**

For purposes of this chapter, the following words shall have the following specified meanings:

- a. "*City*" means the City of Live Oak, a municipal corporation of the state of California.
- b. "*Highway*" means any road, street, alley, way or place of whatever nature, publicly maintained and opened to the use of the public for purposes of vehicular travel. Highway includes city streets.
- c. "*Inoperative vehicle*" means any vehicle which cannot be legally operated on the street because of lack of current registration, lack of an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely, or which cannot be operated under its own power.
- d. "*Junk*" means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no reasonably realistic market value or requiring reconditioning in order to be used for its original purpose.
- e. "*Junk yard*" means any premises from, on, or which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.
- f. "*Owner*" means the owner of record of real property, occupant, lessee, property manager, or interested holder in the same, as well as other responsible persons all as defined in Section 8.24.060, as the case may be, including the owner of real property whereon a vehicle(s) or part(s) thereof

is located.

- g. "Person" means any individual, group of individuals, firm or corporation owning, occupying or using any premises.
- h. "Premises" means any real property or improvements thereon, as the case may be.
- i. "Unreasonable period" means, as used in Section 8.24.100, an unreasonable period is a duration of fifteen calendar days. However, if the keeping, storage, depositing, or accumulation of materials constituting a public nuisance is recurring, frequent and repetitious whereby said materials are removed and redeposited on two or more occasions within a three-month period, then "unreasonable period" shall be defined as fifteen days from the first occurrence, keeping, storage, depositing, or accumulation of said materials.
- j. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

§ 8.24.100 Specified Nuisances.

In addition to conditions which are declared by other provisions of the City of Live Oak Municipal Code to be either illegal or to constitute a public nuisance and which are to be enforced under those applicable provisions of this chapter, the following are declared as a nuisance and enforceable under this chapter:

- a. Activities prohibited by California Penal Code, Part 1, Title 10 and Sections 370, 371 and 11225 et seq., as enacted or hereinafter amended, shall be unlawful, constitute a nuisance, and enforcement and abatement shall be undertaken as provided by law.
- b. It is hereby declared unlawful and a public nuisance for any person owning, occupying or using any premises or land in the city to maintain such premises or land such that any one or more of the following conditions or activities exist:
 - (a) *Abandoned and partial buildings.* Buildings which are abandoned, vacant, partially destroyed, or left in an unreasonable state of partial construction. "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 or designee, 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 or designee.

- (b) *Broken windows.* Buildings with windows containing broken glass or no glass at all where the window is of a type which normally contains glass.
- (c) *Building materials and household fixtures and equipment.* Used or damaged lumber, junk, trash, debris, concrete, scrap metal, salvage materials and abandoned, broken, discarded or unused furniture, appliances, sinks, toilets, cabinets, or other household fixtures or equipment (i) stored so as to be visible at ground level from a public street, alley or from adjoining property, or (ii) stored in a manner out of view but in an unsecured area accessible to minors, or (iii) stored in a manner as to harbor rodents, insects, or other vermin.
- (d) *Building residue.* Residue from a fire or demolition such as concrete or brick foundations and flatwork.
- (e) *Construction equipment.* Construction equipment or machinery of any type or description parked or stored on the property when it is readily visible to the general public, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property.
- (f) *Deteriorated buildings.* Buildings which have become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation.
- (g) *Deteriorated improvements.* Walls, fences, hedges, driveways, sidewalks, walkways, and similar improvements which have become deteriorated, hazardous, defective, or unsightly.
- (h) *Encroachment.* The 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.
- (i) *Garbage containers.* The leaving of any garbage, rubbish, recyclable, or green waste container in a front yard area visible from a public street, except during the times necessary for collection, which provides for containers are to be placed at curbside for collection within 12 hours of the time of collection and shall be removed within 12 hours after collection service is rendered.
- (j) *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.
- (k) *Hazardous liquids and other substances.* Any property with pooled or flowing hazardous substances, including oil and similar liquids, which are not contained on site in approved storage containers and pursuant to all 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.

- (l) *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 local safety requirements for pools and spas, and failing to take adequate measures to prevent public access to the area.
- (m) *Landscape materials.* The keeping, storage, depositing, or accumulation on the premises of excess dirt, sand, gravel, concrete, or other similar materials for an unreasonable period of time or in a manner as to harbor rodents, insects, or other vermin.
- (n) *Landscaping.* 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 Manager or his/her designee. Landscaping shall also be maintained in accordance with any approved permit, site plan, or landscaping plan. Required landscaping shall not be converted to or expanded for driveway, parking, or other paved surfaces in front of windows serving habitable rooms or other primary living areas except as approved by the Community Development Director.
- (o) *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 the property or any improvement located thereon.
- (p) *Land use.* The failure to comply with any city zoning requirement.
- (q) *Laundry hanging.* The hanging of clothing, laundry or routinely washed articles on porch/stair railings, fences, hedges, or other supporting structures located in front or side yards and visible from a public place.
- (r) *Occupied vehicles.* Any vehicle, recreational vehicle, motor home, camper, camper shell, or boat occupied by any person or persons overnight, except as may be permitted in an approved location for such purpose.
- (s) *Offensive odors.* Stagnant water, refuse, rubbish, garbage, dead animal carcasses, offal, animal excrement or other waste 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.

- (t) *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.
- (u) *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, landscaping medians, streets, sidewalks and alleyways.
- (v) *Safety hazard.* The maintenance of property in a manner that presents an imminent safety hazard and/or creates a present and immediate danger to life, property, health or public safety.
- (w) *Sewage.* The failure to properly connect any inhabited improvements to a sewage disposal system or sanitary sewer and/or permitting sewage seepage or discharge upon the ground.
- (x) *Signs.* Improper existence and maintenance of signs relating to uses no longer conducted or products no longer sold on the property, including signs not in compliance with the zoning ordinance.
- (y) *Storage containers and dumpsters.* Storing or keeping boxes, containers, or dumpsters, in excess of 72 consecutive hours, except when otherwise permitted by the Live Oak Municipal Code, the City Manager or his/her designee when engaged in ongoing construction activity.
- (z) *Tarps and other temporary use items.* The keeping or using of tarps or other similar items intended to be used as a temporary protective cover or shelter in a state of disrepair or beyond the intended use period, when the item is stored so as to be visible at ground level from a public street, alley or from adjoining property. Temporary use items visible for more than 30 consecutive calendar days or 30 calendar days in any calendar year shall be presumed to be beyond their intended period of use.
- (aa) *Tractor-trailer.* Any semi-tractor-trailer truck, also known simply as a semi-trailer truck, tractor-trailer truck, semi-tractor truck, semi-truck, big rig, 18-wheeler, trailer truck or tractor truck, or combination of a tractor unit and one, or more, semi-trailers to carry freight and/or exceeding 10,000 pounds. parked or stored on any driveway, street, an unimproved surface, unauthorized location or otherwise in violation of the Live Oak Municipal Code; unless parking or storage on the street is authorized within the zoning district where the tractor-trailer is parked or stored.
- (bb) *Unpermitted construction or alterations.* The building, construction or placement of any unpermitted structure or building, including but not limited to an unpermitted carport, accessory building, driveway entrance, patio cover, pergola or improvements to a previously approved structure or building.

(cc) *Vehicle parts.* The keeping, storage, depositing, or accumulation on the premises of motor vehicle part(s) or scrap, including tires, which is:

- (1) Visible at ground level from a public street, alley or from adjoining property, or
- (2) Contains more than personal use items unless allowed by previous City review or permit in appropriate commercial or industrial zones.

(dd) *Vehicles, including motor homes, trailers, and boats.*

- (1) 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 Live Oak Municipal Code.
- (2) 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 Live Oak Municipal Code.

(ee) *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, streetlight, or traffic signal.

§ 8.24.102 **Weeds, vegetation, and rubbish.**

No person, whether such person is the owner, agent, or person in control of any lot or parcel of land within the City, shall maintain, permit, or allow such premises, or adjoining public way, sidewalk, street and/or alley, to be maintained in any of the following conditions, which are declared to be a public nuisance. It is the duty of the property owner to destroy or remove all such prohibited materials.

(a) *Refuge for vermin.* Dead, decayed, diseased or hazardous trees, weeds, grass, rubbish, refuse, dirt, debris, or any other matter or material which may provide a breeding place or refuge for rodents, insects, or other vermin.

(b) *Vegetation near chimneys.* Dead vegetative growth overhanging a structure or any tree branch or other vegetative growth which extends within ten feet of the outlet of a chimney.

(c) *Pollen.* Weeds which may produce pollen which is injurious to the health, safety, comfort, or welfare of the residents of the City.

(d) *Fire hazard: 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.

(e) *Overgrown vegetation.*

(1) Vegetative growth overhanging a public street by less than 14 feet in height or a public sidewalk by less than eight feet in height.

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

(f) Other vegetation. Any other vegetation or materials which, because of lack of maintenance, create conditions which may become a fire or health hazard, including weeds which are otherwise subject to abatement by law.

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

§ 8.24.104 **Garbage.**

(a) *Public right-of-way.* No person shall place, or cause to be placed, upon any public way, street, or sidewalk, any refuse matter, garbage, or filth which is hazardous to public health or safety or which obstructs the free passage of such street or sidewalk for more than one hour at a time, except as may be permitted by the Live Oak Municipal Code.

(b) *Private property.* No person in control of any lot or parcel of land within the City, whether such person is the owner, agent, or tenant, shall maintain, permit, or allow any refuse matter, garbage, or filth which is hazardous to public health or safety to exist on such premises. Garbage shall be placed in approved containers.

(c) *Summary abatement.* The existence of one or more of these conditions shall be considered public nuisances subject to summary abatement and cost recovery as proscribed in this chapter.

§ 8.24.106 **Vacant buildings: nuisance and abatement.**

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.

"Vacant building" means real property with one or more structures, whether 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 unit is unoccupied or occupied by unauthorized persons.

For commercial and industrial properties, "acceptable landscaping" means that at least 50% of the non-paved portions of the exterior yards (those that are visible to the general public) shall be covered with live trees, shrubs, lawns, or other live plant materials and the remaining portion of the 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.

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 or his/her designee.

- (a) *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 plant materials controlled to avoid overgrowth; maintain all exterior yards (those that are visible to the general public), including park strips, with acceptable landscaping, installed and maintained in a trimmed, live and healthy condition.
"Park strip" means that portion of a street right-of-way which lies between the property line and/or sidewalk and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "park strip" shall mean the area of property from the property line to the edge of the pavement.
- (b) *Building exterior.* Maintain the exterior of the building, including, but not limited to, paint and finishes, in good condition.
- (c) *Broken windows.* Board up broken windows within 24 hours and replace broken windows within 72 hours, subject to the provisions of subsection (g) of this section.
- (d) *Trash and debris.* Remove all trash and debris within 72 hours of their placement or abandonment on the property.
- (e) *Compliance with laws.* Maintain the building in continuing compliance with all applicable State and local codes and regulations and any applicable City issued permits.
- (f) *Prevention of criminal activity.* Take all reasonable steps necessary to prevent criminal activity on the premises, including, but not limited to, the use and sale of controlled substances, prostitution and criminal street gang activity.
- (g) *Secure property.* Secure the property, both structure and grounds, against trespassers, including maintaining all windows and doors with locks, replacing all broken doors or windows, and securing any other openings into the structure which are readily accessible to trespassers by boarding or such other means as shall be accepted by the City Manager or his/her designee. For purposes of securing the building and grounds, boarding up windows and doors and fully fencing the property shall be a disfavored technique and may only be used when it is determined by the City Manager or his/her designee that no other reasonable alternative exists. Properly maintained buildings and grounds should discourage trespassers. Alternative security measures are also available. When a building is boarded or the property fenced, the owner shall comply with standards established by the City Manager or his/her designee.
- (h) *Graffiti.* Remove all graffiti on the property within 48 hours of placement on the property.

§ 8.24.110 **Additional Enforcement.**

Nothing in this chapter shall prevent the City Council from authorizing the City Attorney or other authorized representative to commence any administrative, civil, or criminal proceeding authorized by law to abate a nuisance. Such remedies shall be in addition to the procedures set forth in this chapter.

§ 8.24.112 **Multiple Response Nuisances.**

- (a) If a department of the City is required to respond to a violation(s) of the provisions of this chapter more than once in any 120 calendar day period, including a second response during the same day or night as the first response, the person or persons who own the property where the nuisance took place, except as provided below; the person or persons residing on or otherwise in control of the property where the nuisance took place; the person or persons who organized or sponsored the activity or event causing the nuisance; and all persons who engaged in any activity resulting in the public nuisance shall be jointly and severally liable for the violation(s), regardless of whether the City issues an administrative citation or initiates a code enforcement action. The multiple response shall apply to the same or similar nuisances occurring during the applicable time period.
- (b) It is a public nuisance and a violation of this Chapter for the person or persons who own the property, whether through their agent, lessee, sublessor, sublessee, or occupant of any premises in the City to permit, by their own acts or omissions, any of the following activities to repeatedly occur on the real property of the owner. "Repeated" shall mean more than one occurrence upon the real property in any 120 calendar day period.
 - (1) *Use and sale of controlled substances.* The illegal manufacturing, sale, use or possession of controlled substances or other illegal drugs and substances.
 - (2) *Coming and going for sales or use of controlled substances.* The gathering, or coming and going, of people who purchase or use controlled substances on the premises.
 - (3) *Prostitution.* The occurrence of prostitution.
 - (4) *Gang activities.* Unlawful activities of a criminal street gang as defined in Penal Code § 186.22.
 - (5) *Noise and unruly behavior.* Noise and unruly behavior as set forth within the Live Oak City Municipal Code.
 - (6) *Firearms and weapons.* The unlawful discharging of a firearm or brandishing of a weapon by any person.

- (7) *Graffiti and trash.* The presence of graffiti or other defacing words, letters, or drawings, or trash and debris on the property for a 48-hour period.
- (8) *Abandoned and inoperable vehicles.* The presence of abandoned vehicles or improperly stored inoperative, wrecked, or dismantled vehicles on the property, occurring on any one or more properties of the same owner within the City of Live Oak.
- (9) *Animal disturbances.* Animal disturbances, including but not limited to competitive fighting between animals.
- (10) *Violent criminal acts.* Violent criminal acts, charged or not, including, but not limited to, rapes, assaults, battery, homicides, stabbings, and/or shootings.
- (11) *Gaming activities.* Illegal gaming activities.
- (12) *Stolen vehicles.* Maintenance, storage, and/or dismantling of any stolen vehicle upon the property.

§ 8.24.120 Cumulative Remedies.

All remedies provided by this chapter are cumulative and not exclusive. The City may pursue any remedy authorized by this chapter, the Live Oak Municipal Code, state law, federal law, common law, or equity, either separately or concurrently.

Nothing in this chapter shall be construed to limit the City's authority to abate nuisances or enforce municipal regulations.

§ 8.24.130 Summary Abatement.

A. Whenever an Enforcement Officer determines that a nuisance presents a clear and imminent danger to life, health, safety, property, or essential public services, the City may immediately abate the nuisance without prior notice or hearing.

B. Summary abatement may include any actions reasonably necessary to secure the property, eliminate the hazard, or prevent recurrence.

C. Prior authorization from the City Attorney or designee shall be obtained whenever practicable.

D. The City may seek an inspection warrant, abatement warrant, or other court order if necessary.

E. The costs of summary abatement shall be recoverable from the owner, occupant, responsible person, or any combination thereof.

F. Following summary abatement, the Enforcement Officer shall issue a Notice of Violation and Penalty Order.

G. Persons receiving such notice shall retain all appeal rights provided by this chapter.

8.24.140 Commencement of Administrative Abatement Proceedings.

(a) Whenever the enforcement officer has inspected or caused to be inspected any premises or conditions and has determined that such premises or conditions are in violation of this chapter, the enforcement officer may commence proceedings to cause abatement of the nuisance as provided herein.

(b) Once proceedings have been commenced pursuant to this chapter to declare a public nuisance, no premises or building shall be deemed to be in compliance with this chapter solely because such building or premises thereafter becomes occupied or unoccupied.

(c) Standard Proceedings:

1. A legal notice, Notice to Correct will be provided in accordance with section 8.24.150. At the end of this time period, the City enforcement officer will re-inspect the property to determine whether or not the code violation(s) has been corrected. If the code violation(s) has been corrected to the satisfaction of the enforcement officer, the enforcement officer will notify the record property owner in writing indicating the case has been closed.

If the code violation(s) has not been corrected and the property owner has not been granted an extension of time in accordance with the code, the code enforcement officer issues a first Notice of Violation and Penalty Order in accordance with section 8.24.160 with applicable administrative penalties.

2. The first Notice of Violation and Penalty Order, will be issued in accordance with Section 8.24.160, with Administrative Penalties in accordance with Section 8.24.170.

At the end of the time period established to correct the nuisance, per the Notice of Violation and Penalty Order, the code enforcement officer will re-inspect the property to determine whether or not the code violation(s) has been corrected.

If the code violation has been corrected to the satisfaction of the code enforcement officer, and payment of the administrative penalties have been paid in accordance with Section 8.24.200, the enforcement officer will notify the record property owner in writing indicating the case has been closed.

If the code violation has not been corrected, or the appeal process has not been initiated in accordance with section 8.24.161, the enforcement officer may issue subsequent Notice of Violation and Penalty Orders in accordance with section 8.24.160 and/or take any additional action to resolve the violations in accordance with the municipal code.

§ 8.24.150 Notice to Correct.

(a) Notice. Upon determination by the enforcement officer that a premises is in violation of this chapter, that a notice of violation and penalty order has not been issued against the same premises within the last twelve months, and that the violation does not create an immediate danger to health or safety, the enforcement officer shall issue a notice to correct to the record owner of the premises and to the occupant of the premises, if any. The notice to correct shall contain:

- (1) The name and address of the property owner and, if known, the occupant, person, firm, or corporation in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitute a nuisance;
- (3) A statement explaining which specific code sections have been violated;
- (4) The range of the administrative monetary penalties, as described in Section 8.24.170, that the city may impose for such violations if not corrected;
- (5) An order to correct the violation within a date certain, said date to be a minimum of ten calendar days after the date of the notice to correct has been issued and/or posted; and
- (6) A statement informing the recipient of the name and office telephone number of the enforcement officer should the recipient desire to explain why he or she believes:
 - (A) The premises should not be declared to be a public nuisance and abated;
 - (B) Penalties should not be assessed; and
 - (C) The costs of such abatement should not become a charge and lien against the premises. The enforcement officer may rescind or modify the notice to correct based on substantive evidence presented by the recipient.

(b) Stop Work Order. If the violation is related to a permit, license or other city approval of a project, the notice to correct may be accompanied by a stop work order which orders the recipient to stop immediately any and all work on the project that is subject to the permit, license or approval until the violation is corrected.

(c) Service of Notice. A copy of the notice to correct, and any amended or supplemental notice, shall be served either by personal delivery or by U.S. mail, postage prepaid, upon the record owner

at the address as it appears on the latest equalized assessment roll of Sutter County, and upon the occupant of the premises, if any. If neither of these methods result in the notice being served upon the record owner a copy of the notice shall be posted on the premises.

(d) **Proof of Service.** Proof of service of the notice to correct shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

§ 8.24.160 Notice of Violation and Penalty Order.

(a) **Grounds for Issuance.** A notice of violation and penalty order ("notice and order") may be issued under any of the following circumstances:

- (1) When a notice to correct has been served, and the specified time has passed without adequate correction of the violation;
- (2) When a notice and order has been previously served, and the specified time to correct has passed without adequate correction of the violation;
- (3) When a stop work order has been issued but has not been complied with;
- (4) When the city has performed a summary abatement pursuant to Section 8.24.130; or
- (5) When the same type or character of violation has been committed by the same person or on the same premises, or a notice to correct or a notice and order has been served on the same person or on the same premises, within the past twelve months.

(b) **Contents of Notice and Order.** A notice and order shall contain the following:

- (1) The name and address of the person, property and, if known, the occupant, corporation, or entity in violation, and the street address of the property where the violation is present;
- (2) A statement specifying the condition(s) which constitutes a nuisance;
- (3) A statement explaining the specific code sections that have been violated;
- (4) The amount of the administrative penalty the city is imposing for the violation;
- (5) A statement that the recipient has ten calendar days from the date of the notice and order to voluntarily abate the nuisance; or, if the enforcement officer determines that ten calendar days is insufficient to correct the nuisance, a statement specifying a date certain by which the nuisance must be corrected;
- (6) A statement informing the recipient of his or her right to appeal the enforcement officer's determination and imposition of the administrative penalty to a hearing examiner

by filing with the city manager within ten calendar days of the date of the notice and order a processing fee, and on a form available from the city manager a written statement requesting a hearing and explaining: (A) why the premises should not be declared to be a public nuisance and abated, (B) why the penalty ordered by the city should not be assessed, and (C) why the costs of such abatement should not become a charge and lien against the premises;

(7) A statement that if the person, corporation or entity fails to abate the nuisance or fails to file on a timely basis a request for an appeal hearing, the notice and order shall be final and not subject to judicial review under Government Code Section [53069.4](#), and all persons served with such notice shall be deemed to have consented to the abatement of the nuisance and that, at the election of the city, the city may abate the nuisance and the costs of such abatement may be charged against the premises and may be recorded as a lien against the premises; and

(8) A statement that any person, corporation, or entity that has exhausted the appeal hearing process may seek judicial review of the notice and order imposing the administrative penalty pursuant to this chapter, and that the hearing examiner's order shall be final unless a timely judicial appeal is filed.

(c) Service of Notice and Order.

(1) Persons Entitled to Service. The notice and order shall be served upon the owner of the premises, any occupants of the premises, and any other person, corporation, or entity in violation. If the city proposes to impose a lien on the property, the city official issuing the notice and order shall also serve one copy on each of the following if known or disclosed from official public records: (A) the holder of any mortgage, deed of trust, or other encumbrance of record; and (B) the owner or holder of any lease of record. The failure of the city official issuing the order to serve any person required to be served shall not invalidate any proceedings under this chapter or relieve any person who was duly served from any duty or obligation imposed on him by the provisions of this section.

(2) Method of Service. Unless otherwise provided in this section, service of a notice and order shall be made either by personal delivery or by certified mail, return receipt requested. Service by certified mail in the manner herein provided shall be effective on the date of mailing. Service on any property owner in violation is deemed complete when it is served at the address listed by the property owner on the latest equalized assessment roll of Sutter County (made available to the city), or as known to the city official issuing the order. If neither personal service nor service by certified mail are reasonably feasible, substituted service of the notice and order may be made as follows:

(A) (i) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and then mailing a copy by first class mail to the recipient at the address where the copy was left; or

(ii) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household, and then mailing a copy by first-class mail to the recipient at the address where the copy was left. If service in accordance with this subsection is not possible, service may be accomplished in accordance with subsection (c)(2)(B) of this section.

(B) If the party entitled to service has a property manager or rental agency overseeing the premises, substituted service may be made as set forth in subsection (c)(2)(A) of this section upon the property manager or rental agency. If service in accordance with this subsection is not possible, service may be accomplished in accordance with subsection (c)(2)(C) of this section.

(C) Substituted service may be effected by posting the notice and order on the premises and mailing a copy of the notice and order to the property owner and, if known, the occupant's person, corporation, or entity in violation at the address of the property on which the violation has occurred or is occurring. If service, in accordance with this subsection, is not possible, service may be accomplished in accordance with subsection (c)(2)(D) of this section.

(D) If the property owner and, if known, the person, corporation, or entity in violation or other person entitled to service cannot be located or service cannot be effected as set forth in this section, service may be made by publication in a newspaper of general circulation in Sutter County. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section [6063](#).

§ 8.24.161 Initial Appeal.

(a) In the event of a timely appeal of a Notice and Order such initial appeal shall be heard by the City Manager or the City Manager's designee pursuant to this Section, unless the City Manager determines an initial appeal is not appropriate in which event, an appeal shall be held before the Live Oak City Council or a hearing examiner panel pursuant to Section 8.24.180.

(b) The appealing party shall be provided with written notice of the Initial Appeal Hearing by first class mail (and by email if the appellant designates an email address) at the address and email address provided with the written appeal request. The initial appeal hearing shall be set for a date no sooner than 10 days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least 10 days prior to the date set for hearing.

Payment of Initial Appeal Fee. Any person, corporation, or entity seeking to appeal a notice of violation and penalty order shall be required to pay to the city, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the city council. Appeal notice is not valid without accompanying fee

(c) Conduct of Appeal Hearing.

(1) Evidence at the Hearing. At the time set for the initial appeal hearing, the City Manager shall receive and consider the enforcement officer's file as well as any evidence which the appealing party may wish to present. The hearing shall be informal and shall not be conducted in accordance with strict rules of evidence, although testimony and other information presented must be relevant to the issues in question.

(2) The initial appeal proceedings may be recorded electronically and any party may provide a certified shorthand reporter at such party's own expense.

(3) Any testimony offered at the initial appeal hearing shall be under oath and witnesses shall be placed under oath by the Hearing Examiner, City Clerk or Certified Shorthand Reporter.

(d) Format of Initial Appeal Decision. The City Manager shall issue a decision in the format provided in Section 8.24.180(e)(2).

(e) Service of Initial Appeal Decision. Upon issuance of the initial Appeal Decision, the City Clerk shall serve a copy on the Appellant by first class mail to the addresses provided by Appellant in the written Notice of Appeal. The decision shall be deemed to be served two days after it is mailed to the address provided by the Appellant. The Appellant may appeal the initial Appeal Decision for a full evidentiary hearing pursuant to Section 8.24.180 by filing with the City Clerk within 10 calendar days of the date of the initial Appeal Decision, and on a form available from the City Clerk a written statement requesting a hearing and explaining:

(A) why the Premises should not be declared to be a public nuisance and abated;

(B) why the penalty ordered should not be assessed; and

(C) why the costs of such abatement should not become charge and lien against the Premises or a personal obligation of responsible persons.

If the Appellant fails to timely file an appeal of the initial Appeal Decision, such decision shall be the final administrative decision of the City in which event the appeal of the initial Appeal Decision shall be through judicial review by filing a petition for writ of mandate pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6, except that any appeal of

the Hearing Examiner's decision regarding the imposition of an administrative penalty shall also be subject to Government Code Section 53069.4.

(f) In the event of a timely appeal of an initial Appeal Decision, the City Council or the Hearing Examiner Panel shall hear and determine the further appeal de novo pursuant to Section 8.24.180 and all other applicable provisions of Chapter 8.24 and this Code.

§ 8.24.170 Establishing amount of administrative penalties.

Unless otherwise provided in this chapter, administrative penalties shall be imposed in the following amounts for each code section violation listed in the notice:

- a. A fine not exceeding one hundred dollars for a first violation;
- b. A fine not exceeding two hundred dollars for a second violation of the same nature within one year; and;
- c. A fine not exceeding five hundred dollars for the third or subsequent violation of the same nature within one year of the second violation.

If a nuisance is abated within the time specified by a notice to correct pursuant to Section 8.24.150, no administrative penalty shall be imposed. If a nuisance is not corrected within the time specified in a notice to correct or a notice of violation and penalty order, penalties shall be effective and cumulative the day after the date established in the notice to correct or notice of violation and penalty order to abate by and shall cumulate with each notice of violation and penalty order issued. Should violations continue after the third notice of violation and penalty order correction date, within a one year period, an additional administrative penalty shall be imposed each day thereafter as a separate violation at the rate set forth in this section 8.24.170(c). Each day or portion thereof that the provisions of this chapter are violated shall be deemed as a separate offense. The city manager or his or her designee may reduce or waive the administrative penalty if he or she finds that imposition of the penalty is not warranted or is not in the interest of justice.

8.24.180 Appeal Hearing.

(a) *Payment of Appeal Fee.* Any person, corporation, or entity seeking to appeal a notice of violation and penalty order shall be required to pay to the city, at the time the appeal is requested, an appeal fee to be set by resolution of the city council. In the event the appeal fee exceeds the amount of the administrative penalty, the appellant shall only be required to pay a non-refundable appeal fee equal to the amount of the administrative penalty. The appeal fee is intended to cover the costs, expenses, and city employees' time incurred by the city in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or unless

the appealing party establishes to the satisfaction of the city manager, by means of tax returns, pay stubs or other similar documentary evidence, that paying the appeal fee would cause undue financial hardship to the appealing party.

(b) *Hearing Examiner.* The appeal shall be heard by a hearing examiner as appointed by the city council in accordance with Section 8.24.070.

(c) *Setting Appeal Hearing.* The appeal hearing shall be set by the city manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen days before the date set for hearing.

(d) *Conduct of Appeal Hearing.*

(1) *Testimony at the Hearing.* At the time set for the appeal hearing, the hearing examiner shall proceed to hear testimony from the representative of the city, the appellant, and any other competent persons with respect to the determination of a nuisance or the imposition of an administrative penalty.

(2) *Record of Oral Evidence at Hearing.* The proceedings at the hearing shall be reported by a tape recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

(3) *Continuances.* The hearing examiner may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the city, grant continuances from time to time for extreme or unusual cause shown, or upon the hearing examiner's own motion.

(4) *Oaths—Certification.* The hearing examiner, clerk, or certified shorthand reporter shall administer the oath or affirmation.

(5) *Evidence Rules.* Government Code Section [11513](#), subsections (a), (b), and (c) shall apply to all administrative penalty hearings.

(6) *Rights of Parties.*

(A) Each party shall have the following rights among others:

(i) To call and examine witnesses on any matter relevant to the issues of the hearing;

(ii) To introduce documentary and physical evidence;

(iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(iv) To impeach any witness regardless of which party first called that witness to testify;

(v) To rebut the evidence against him or her;

(vi) To represent himself or herself or to be represented by anyone of his or her choice.

(B) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(7) *Official Notice.* In reaching a decision, the hearing examiner may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the city or county, or any of their departments.

(8) *Inspection of the Premises.*

(A) The hearing examiner may inspect the premises involved in the hearing prior to, during, or after the hearing; provided, that:

(i) Notice of such inspection shall be given to the parties before the inspection is made;

(ii) The parties consent and are given an opportunity to be present during the inspection; and

(iii) The hearing examiner shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom.

(B) Each party shall then have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(C) Notice to the parties or the owner(s)'s consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public

has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(e) Form and Contents of the Decision—Finality of Decision.

(1) Format of Hearing Examiner's Decision. The hearing examiner shall issue a written decision containing findings of fact and a determination of the issues presented. The hearing examiner may assess administrative penalties from the date of service of the notice to correct pursuant to Section 8.24.170. The hearing examiner may affirm, modify or reverse the notice to correct, or the notice of violation and penalty order imposed by the city, or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) Contents of Hearing Examiner's Decision.

(A) If it is shown by a preponderance of all the evidence that the condition of the premises constitutes a public nuisance, the hearing examiner shall declare the premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the hearing examiner. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the city in such manner as may be ordered by the enforcement officer and the expense thereof made a lien upon the property involved.

(B) If the decision affirms the imposition of an administrative penalty, the penalty shall continue to accrue until the nuisance is abated. The decision shall also require appellant to pay the administrative penalty in accordance with, and subject to, the provision of Section 8.24.200. The decision shall inform the owner that if the penalty is not paid within the time specified, it may be made a personal obligation of the owner, and if the violation relates to an event occurring on, or condition existing on, property in the city, it may also be made a lien against the property which may be collected by special assessment. The hearing examiner's decision shall also inform the person, corporation or entity against whom an administrative penalty has been imposed that any appeal of the hearing examiner's decision must be filed within twenty days of service of the hearing examiner's decision, as provided in Government Code Section [53069.4](#). An administrative penalty shall continue to accrue for each day a violation continues to exist after the date set for abatement under subsection (e)(2)(A) of this section in the hearing examiner's decision until all violations which are the subject of the hearing examiner's decision had been abated. If the city implements the abatement order, the administrative penalties shall accrue from the date of service of the notice to correct (per Section 8.24.150) until the date of abatement and shall be recovered according to the procedures set forth in Sections 8.24.250, 8.24.260 and 8.24.270. If the city does not abate the violations which are the subject of the hearing examiner's decision (and as a consequence does not incur

costs and expenses of abating such nuisance) then, in such event, the city may recover the additional daily administrative penalties which accrue from the date set for abatement under subsection (e)(2)(A) of this section in the hearing examiner's decision until the date of abatement pursuant to the provisions of Section 8.24.265.

(3) **Service of the Hearing Examiner's Decision.** Upon issuance of the decision, the city shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The hearing examiner's decision shall be deemed served two days after the date it is mailed to the address provided by the appellant.

(4) **Finality of Hearing Examiner's Decision.** The decision of the hearing examiner on an appeal of a notice of violation and penalty order shall constitute the final administrative decision of the city and shall not be appealable to the city council or any committee or commission of the city.

(5) **Judicial Review.** Appeal of the hearing examiner's decision shall be through judicial review by filing a petition for a writ of mandate pursuant to Sections 1094.5 and 1094.6 of the Code of Civil Procedure, except that any appeal of the hearing examiner's decision regarding the imposition of an administrative penalty shall also be subject to Section 53069.4 of the Government Code.

§ 8.24.190 Enforcement of order.

After any notice of violation and penalty order or any decision of a hearing examiner made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order.

§ 8.24.200 Payment of Administrative Penalties.

(a) **When Payment is Due.** Payment of administrative penalties is due at the following times:

(1) If a request for an appeal hearing is not filed in relation to the notice of violation and penalty order, the administrative penalty set out in the notice and order shall be due and payable ten calendar days after service of the notice and order; provided, that additional daily penalties may accrue until the nuisance is abated.

(2) If a request for an appeal hearing is timely filed and there is no judicial review of the hearing examiner's decision of the administrative penalty, the administrative penalty shall be due and payable thirty calendar days after the date of a hearing decision, or the date the hearing request is withdrawn by the appellant. The amount of penalty payable shall be set by the hearing examiner in the decision after hearing, of the amount set forth in the notice of violation and penalty order if there are no hearing decisions, to include additional daily penalties until the nuisance is abated.

(3) If there is judicial review of the hearing examiner's decision, the monetary sanction shall be due and payable ten calendar days after the date of the final court order in relation to that review. The amount due shall be the amount ordered by the hearing examiner plus ongoing daily penalties at the applicable rate (as provided in Section 8.24.170) until the court renders its decision, or abatement of the nuisance, whichever is earlier.

(b) **Place for Payment of Administrative Penalties.** All administrative penalties shall be paid to the city and delivered to the finance director of the city. All payments shall be accompanied by a copy of the notice of violation and penalty order, or the decision of the hearing examiner, or the court decision, or the decision of the City Manager establishing the amount of the administrative penalty. The finance director shall prepare a receipt documenting the payment of the penalty and shall forward one copy of the receipt to the enforcement officer and one copy of the receipt to the city manager. The city manager shall thereafter verify that the penalty has been paid in full. If the penalty has been paid in full, the city manager shall so note in the records pertaining to the violation. If the penalty has not been paid in full, the city manager shall notify the enforcement officer and the person responsible for paying the sanction in writing.

(c) **Failure to Pay Administrative Penalty.** If the administrative penalty is not paid in full within the time provided herein, any unpaid portion shall bear interest at the rate of ten percent per annum from the date such payment was due until paid in full and the city may take any of the following actions to collect the administrative penalty:

(1) **Special Assessments.** The amount of the unpaid penalty plus interest plus reasonable administrative fees to cover the cost of collection may be declared a special assessment against the affected property in accordance with the provisions of this chapter. The city manager or the city manager's designee may undertake all steps necessary to cause such special assessment to be placed against the affected property.

(2) **Withholding Entitlements.** The city may withhold issuance of licenses, permits, and other entitlements to the person or entity responsible for paying the penalty until payment is received.

(3) **Other Enforcement Procedures.** The city may take such other actions as may be allowed by law, including the filing of civil action. If a civil action is commenced, the city shall be entitled to recover reasonable attorneys' fees and all costs associated with collection of the penalty. Costs include, but are not limited to, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure Section [1033.5](#).

§ 8.24.210 Enforcement of Final Orders.

(a) If, after any notice of violation and penalty order or any order of a hearing examiner made pursuant to this chapter has become final, the person to whom such order is directed shall fail,

neglect or refuse to obey such order, the enforcement officer, in addition to the rights provided in Section 8.24.200(c), is authorized to cause the nuisance to be abated by city personnel or private contract. In furtherance of this section, the enforcement officer shall obtain a warrant, if required, and thereafter is expressly authorized to enter upon the premises for the purpose of abating the nuisance.

(b) Additionally, any person who fails to obey such order shall be guilty of a misdemeanor punishable as specified in Section 8.24.100.

(c) Notwithstanding subsection (a) of this section, upon ten days' written notice to those persons or entities the subject of a notice and order, or subject to any order of a hearing examiner panel, an enforcement officer may enforce a notice of violation and penalty order or any order of a hearing examiner panel before the same has become final unless enjoined by a court of competent jurisdiction. When considering an injunction, the court shall be guided by the law generally applicable to issuance of an injunctive order, to include without limitation the probability of the applicant's success on the merits as well as an appropriate undertaking should an injunction issue.

§ 8.24.220 Interference with Abatement Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person who owns or holds any estate or interest in any premises on which a nuisance exists and which must be abated under the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the city, or person having an interest or estate in such premises is engaged in the work of abating any nuisance as required by the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this chapter.

§ 8.24.230 Extensions of Time.

(a) Upon receipt of an application from the person required to conform to the order by a date fixed in the order, and an agreement by such person that he or she will comply with the order if allowed additional time, the enforcement officer may, in their discretion, grant an extension of time not to exceed an additional one hundred twenty days, within which to complete such abatement, if the enforcement officer determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

(b) The authority of the enforcement officer to extend time is limited to the physical abatement of the nuisance or for such other purposes as may be reasonably required by the circumstances of the case, but such extension will not in any way affect or extend the time to appeal the order.

§ 8.24.240 Costs and expenses of abatement and administrative penalties which accrue following hearing examiner's decision.

(a) The enforcement officer shall keep an account of the costs and expenses of abating such nuisance, and shall render a statement of such costs to the person or persons receiving the notice to abate. In addition, the statement shall include the amount of administrative penalties which accrue from the date set for abatement under Section 8.24.180(e)(2)(A) in the hearing examiner's decision issued pursuant to Section 8.24.180(e) until the date that the nuisance has been abated.

(b) Such person or persons receiving the notice of violation and penalty order or decision of the hearing examiner shall be liable to the city for any and all costs and expenses to the city involved in abating the nuisance, as well as the amount of administrative penalties which accrue after the date set for abatement under Section 8.24.180(e)(2)(A) in the hearing examiner's decision until the nuisance is abated. Such costs, expenses and administrative penalties are due upon receipt of the statement required in subsection (a) of this section.

(c) Costs, expenses and administrative penalties as referred to in this section shall include all costs allowed to be recovered by law, including the cost of abatement, administrative costs including hearing costs, administrative penalties, and attorneys' fees as allowed by Government Code Section 38773.5 or its successor.

§ 8.24.250 Procedure for Assessment of Costs.

If the person liable to pay the costs, expenses and administrative penalties concerning the abatement fails to do so within thirty calendar days of receiving the statement of such costs, the city may initiate proceedings to have such costs, expenses and administrative penalties assessed against the real property or premises on which the city abated the nuisance. Such proceedings and notice of such proceedings shall be performed in accordance with Section 38773.5 of the California Government Code and this chapter.

Prior to assessing costs, expenses and administrative penalties against the real property or premises on which the city abated the nuisance, the enforcement officer shall transmit a statement of the costs and expenses of abatement and the administrative penalties which accrue after the date set for abatement under Section 8.24.180(e)(2)(A) in the hearing examiner's decision until the abatement of the nuisance is complete to the city clerk, who shall fix a time, date and place for the hearing officer to hear any protests or objections to the reasonableness thereof and the city's implementation of the abatement order. The validity of the underlying abatement order (the hearing examiner's decision issued pursuant to Section 8.24.180(e)) is not subject to review.

§ 8.24.260 Notice of Assessment Hearing.

Not less than ten days prior to the hearing, the city clerk shall cause to be served upon the owner or designated agent of the owner, lessee, occupant, or person in possession of the property personally or by certified mail, postage prepaid, addressed to his last known address, and shall cause to be posted upon the property a notice containing the following information:

- (a) The name and address of the person, property and, if known, the occupant, corporation, or entity in violation, and the street address of the property where the violation occurred;
- (b) A statement of the action taken to abate the condition;
- (c) The time, date, and place of the hearing;
- (d) A statement informing the recipient of his or her right to appear at the hearing to protest the reasonableness of the costs and the city's implementation of the abatement order;
- (e) A statement that the costs, expenses and administrative penalties (which accrued after the date set for abatement under Section 8.24.180(e)(2)(A) in the hearing examiner's decision until the nuisance was abated) may be made a special tax assessment and a lien against the premises.

§ 8.24.265 Assessment of administrative penalties following the hearing examiner's decision when the city does not seek recovery of costs and expenses of abating the nuisance.

After issuance of the hearing examiner's decision pursuant to Section 8.24.180(e) the city shall have the option to assess the administrative penalties which accrue after the issuance of the hearing examiner's decision through and including the date that the nuisance is abated, even if the city does not incur any costs or expenses associated with abatement of the nuisance (or if the city does not seek to recover its abatement costs and expenses). In such event, the city shall follow the procedures outlined in Sections 8.24.240, 8.24.250, 8.24.260, 8.24.270 and 8.24.280 as to such administrative penalties.

§ 8.24.270 Hearing to confirm costs and expenses of abatement and administrative penalties.

Person(s) served with a notice of hearing or any other person holding an interest in the property may protest the reasonableness of the costs and expenses, and administrative penalties, and the city's implementation of the abatement order, as contained in the proposed assessment by filing a written protest with the city clerk on or before the date set for the hearing or by appearing in person at the hearing. The city clerk shall present to the hearing examiner all protests so filed. The hearing examiner may modify or correct any assessment which, in its opinion, is excessive or otherwise incorrect. The assessment, as may be modified by the hearing examiner, shall thereupon become a special assessment and a lien against the property involved and shall remain a lien thereupon until the assessment is paid.

§ 8.24.280 Assessment of costs and administrative penalties—Special assessment lien against property.

- (a) The total cost and expense for abating a nuisance shall as well as administrative penalties which accrue from the date set for abatement under Section 8.24.180(e)(2)(A) in the hearing

examiner's decision pursuant to Section 8.24.180(e) until the nuisance is abated shall constitute a special assessment against the premises to which it relates, and upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment. The procedure for collecting abatement costs through a special assessment lien shall be in accordance with California Government Code Section [38773.5](#).

(b) After such recordation, a copy of the lien may be turned over to the county auditor, who shall then enter the amount of the lien on the assessment rolls as a special assessment. Thereafter, said amount 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 the same procedure under foreclosure and sale in case of delinquency as provided by Government Code Section [38773.5](#) and as provided for ordinary municipal taxes.

(c) After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

§ 8.24.290 **Municipal Affairs.**

Pursuant to California Constitution Article 11 Section 5(a), the city enacts this chapter as a matter of its municipal affairs such that the provisions in this chapter shall supersede any state law to the contrary.

The city declares that the amendments to this chapter of the Live Oak Municipal Code contained within the ordinance codified in this chapter are declarative of existing city law and to the extent it might be determined otherwise, the provisions of this chapter shall apply retroactively.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the ____ day of _____ 2026, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2026, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CLARISSA MENCHACA, City Clerk

CITY OF LIVE OAK

By: _____
JERAMY CHAPDELAINE, Mayor

APPROVED AS TO FORM:

By: _____
NICOLE DELERIO-ROSSER, City Attorney

I, _____, City Clerk of the City of Live Oak, California, DO
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and
adopted by the City Council of the City of Live Oak on the date and by the vote indicated herein.

Title 14

NEIGHBORHOOD AND COMMUNITY PRESERVATION PROGRAM

Chapter 14.01 NEIGHBORHOOD AND COMMUNITY PRESERVATION PROGRAM		§ 14.08.060.	Right of entry and inspection.
§ 14.01.010.	Purpose.	§ 14.08.070.	Abatement.
§ 14.01.020.	Mission statement.	§ 14.08.080.	Commencement of nuisance abatement.
§ 14.01.030.	Enforcement.	§ 14.08.090.	Fees imposed.
§ 14.01.040.	Property maintenance/ Dangerous Buildings Code violations.	§ 14.08.100.	Service of notice and order.
§ 14.01.050.	Notice process.	§ 14.08.110.	Appeal.
§ 14.01.060.	Notice and order.	§ 14.08.120.	Appeal hearing.
§ 14.01.070.	Notice of noncompliance.	§ 14.08.130.	Hearing officer decision.
§ 14.01.080.	Release of notice of noncompliance.	§ 14.08.140.	Summary abatement.
		§ 14.08.150.	Recovery of costs of abatement.
		§ 14.08.160.	Notice of report and hearing.
		§ 14.08.170.	Hearing and confirmation.
Chapter 14.08 NUISANCES		§ 14.08.180.	Effect of assessment and notice of lien.
§ 14.08.010.	Findings.	§ 14.08.190.	Collection of assessment and transfer to unsecured roll.
§ 14.08.020.	Definitions.	§ 14.08.200.	Time for contest of assessment.
§ 14.08.030.	Declaration of nuisance.	§ 14.08.210.	Judicial enforcement.
§ 14.08.040.	Administration and enforcement.		
§ 14.08.050.	Administrative penalties.		

CHAPTER 14.01

NEIGHBORHOOD AND COMMUNITY PRESERVATION PROGRAM**§ 14.01.010. Purpose.**

The Live Oak Neighborhood and Community Preservation Division provides professional code enforcement services with the goal of improving and stabilizing neighborhoods, protecting property values and helping to promote a healthy, safe environment.

Substandard structures and buildings are a very serious problem in the City of Live Oak, especially in older neighborhoods. The problems that stem as a result of blighted properties affect the entire community in many ways. For example, it is a well established fact that blighted conditions encourage crime and degrade the viability of a City. The Live Oak Neighborhood and Community Preservation Division is dedicated to working with the community to improve deteriorating properties and blighted conditions by placing a high priority on encouraging voluntary abatement by property owners of these types of problems and conditions.

(Ord. 517 § 1, 2008)

§ 14.01.020. Mission statement.

The Live Oak Neighborhood and Community Preservation Division will make every effort to assist the community during any stage of the Neighborhood and Community Preservation Program process and acknowledge any effort made by the citizens of the City of Live Oak to keep the City beautiful and vital.

(Ord. 517 § 1, 2008)

§ 14.01.030. Enforcement.

This chapter provides a supplemental method to enforce the 1997 Edition of the "Uniform Code for the Abatement of Dangerous Buildings" and the 1997 Edition of "The Uniform Housing Code."

The City reserves any other enforcement method allowed by law.

(Ord. 517 § 1, 2008)

§ 14.01.040. Property maintenance/Dangerous Buildings Code violations.

The City Inspector conducts an inspection of the property to determine whether or not a code violation(s) exists. If a code violation(s) exists on the property the City Inspector will proceed to the noticing process.

If a code violation(s) does not exist on the property the investigation process is terminated.

(Ord. 517 § 1, 2008)

§ 14.01.050. Notice process.

If a code violation(s) is present, the City Inspector will mail a certified legal notice to the legal property owner to request the code violation(s) be corrected; the notice process is as follows:

- A. The first legal notice letter provides a 30-day period of time for the legal property owner to correct the violation(s). Additionally, the City Inspector will also make every attempt to contact the legal property owner by phone at this stage of the noticing process. At the end

of this time period, the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected. If the code violation(s) has been corrected to the satisfaction of the City Inspector, the City Inspector will notify the legal property owner in writing indicating the case has been closed.

If the code violation(s) has not been corrected and the property owner has not requested an extension of time from the City Inspector, the City Inspector mails a second certified legal notice letter to the legal property owner.

- B. The second legal notice letter provides a 10-day period of time for the legal property owner to correct the violation(s). The City Inspector will make every attempt to contact the property owner by phone at this stage of the noticing process. At the end of this time period the City Inspector will re-inspect the property to determine whether or not the code violation(s) has been corrected.
 - 1. If the code violation has been corrected to the satisfaction of the Inspector, the Inspector will notify the legal property owner in writing indicating the case has been closed.
 - 2. If the code violation has not been corrected and the property owner has not requested an extension of time from the Inspector, the Inspector mails a third and final certified legal notice letter to the legal property owner.
- C. The third and final legal notice letter provides a five-day period of time for the legal property owner to correct the violation(s). At the end of this period of time the City Inspector will re-inspect the property to determine if the code violation(s) has been corrected.
 - 1. If the code violation has been corrected to the satisfaction of the Inspector, the Inspector will notify the legal property owner in writing indicating the case has been closed.
 - 2. If the code violation has not been corrected and the legal property owner has not requested an extension from the City Inspector a "notice and order" will be issued by the Building Official.
- D. Depending on the severity of the violation(s), the Building Official may dispense with any of the above notices and proceed immediately to the notice and order process OR take any other appropriate action.

(Ord. 517 § 1, 2008)

§ 14.01.060. Notice and order.

- A. Important Note. There are certain resources available to assist the property owner, who qualifies, in correcting the property maintenance/Dangerous Building Codes violation(s). It is the property owner's responsibility to contact the City Building Official before the 30-day time period expires to inform him or her that resource assistance is needed.
- B. The Building Official will issue a "Notice and Order" directed to the legal property owner of the building in accordance with Section 401 of the 1997 Edition of the "Uniform Code for the Abatement of Dangerous Buildings." The notice and order will contain the following:

1. Street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A brief and concise description of the deficiencies found to render the building dangerous under the provisions of Section 302 of the code referenced above.
3. A statement of the action required to be taken as determined by the Building Official.
 - a. If the Building Official determines that the building or structure must be repaired, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work shall be completed within 60 days from the date of the notice and order.
 - b. If the Building Official determines the building or structure must be vacated, the building or structure shall be vacated within 30 days from the date of the notice and order.
 - c. If the Building Official determines that the building or structure must be demolished, all required permits shall be secured and the work physically commenced within 30 days from the date of the notice and order and the work completed within 60 days from the date of the notice and order.

(Ord. 517 § 1, 2008)

§ 14.01.070. Notice of noncompliance.

When all measures for code violation compliance have been exhausted the City staff, as outlined above, and code violation(s) still exist the Building Official shall file a notice of noncompliance with the Sutter County Recorder's office. The cost to file a notice of noncompliance will be charged to the property owner.

(Ord. 517 § 1, 2008)

§ 14.01.080. Release of notice of noncompliance.

When code violation(s) compliance has been achieved to the satisfaction of the City Inspector a release of the notice of noncompliance will be granted to the property owner. The cost for the release of the notice of noncompliance will be charged to the property.

(Ord. 517 § 1, 2008)

CHAPTER 14.08
NUISANCES

§ 14.08.010. Findings.

The City Council of the City of Live Oak finds and determines as follows:

- A. The City wishes to encourage the maintenance of well-kept properties. The City recognizes that property values and the general welfare of the community are founded in large part on the appearance, maintenance and safety of properties.
- B. The existence of property in a condition constituting a nuisance as defined in this chapter is injurious to the public health, safety and welfare of the residents of the City. Such conditions contribute substantially and increasingly to the necessity for excessive expenditures for protection against hazards, diminution of property values, and the preservation of the public health and safety.
- C. Public nuisances are those affecting the entire community, neighborhood or a considerable number of people. Under California law, local governments have standing to intercede and to abate a public nuisance.
- D. The existence of public nuisances of the type designated and the abatement of these public nuisances, is reasonably related to the proper exercise of the police power in protecting the health, safety and welfare of the public, and the exercise of that power by the City is authorized by the constitution of the State and applicable laws.
- E. Unless uniform and expedient corrective measures are available to be undertaken to alleviate such conditions, the public health, safety and general welfare and the property values and social and economic standards of this community will be substantially depreciated. The abatement of such conditions will enhance the appearance and value of such properties and will improve the tax base of the City.
- F. It is in the public interest to establish a cost recovery procedure so that the abatement of a public nuisance is at the expense of the person(s) creating, causing, committing or maintaining the nuisance.
- G. It is the intent of the City Council of the City of Live Oak in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the City.
- H. The provisions of this chapter are supplementary and complementary to all of the provisions of the Live Oak Municipal Code, State law, and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the City to abate any and all nuisances.

(Ord. 519 § 1, 2009)

§ 14.08.020. Definitions.

As used in this chapter:

"Administrative costs" means that segment of costs of abatement that includes staff time expended that was reasonably related to enforcement activities under this chapter. Administrative costs shall include, but not be limited to, site inspections and re-inspections,

third party inspections, investigations, printing, research, preparation of summaries, reports, notices, and the time and expense of preparing for and attending meetings and/or hearings related abatement proceedings. The hourly rate for staff time shall be set by resolution of the City Council and may be revised from time to time.

"Cost of abatement" means the total cost incurred by the City in connection with a public nuisance, including, but not limited to:

1. Any cost incurred in removing or remedying a public nuisance;
2. The notice and order, appeal and termination of fees for administrative services rendered by the City in connection with the inspection, notification, prosecution and abatement procedures authorized by this chapter:
 - a. The notice and order, appeal and termination fees shall be in such amounts as are determined from time to time by resolution of the City Council,
 - b. The notice and order, appeal and termination fees will be calculated based on services rendered by the City from the time of the initial complaint intake for the purpose of documenting a violation of this chapter until the violation is corrected,
 - c. The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this chapter or other laws;
3. Any cost incurred by the City in collecting the costs enumerated in subsections 1 and 2 of this definition, including administrative costs.

"Junk" means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, having no substantial market value or requiring reconditioning in order to be used for its original purpose.

"Nuisance" means anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the use in the customary manner of any public park, street, highway or other public property.

"Owner" means owner of record of real property, occupant, lessee, interested holder in same, or homeowners association, as the case may be. For purposes of this chapter, a homeowners association which exercises management and/or control over a common area shall be deemed an owner of the area over which such control is exercised. Exercising control includes, but is not limited to, maintenance, ownership, easements and/or assessing fees on property owners pursuant to agreements, deeds or recorded documents.

"Premises" means any real property, or improvements thereon, as the case may be, including, but not limited to, an area designated as a common area within a condominium or similar project.

"Property" means premises.

"Public nuisance" means a nuisance which affects at the same time a substantial portion of a community, neighborhood or any considerable number of persons residing or working in such area, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Ord. 519 § 1, 2009)

§ 14.08.030. Declaration of nuisance.

It is unlawful and hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist and allowed to continue:

- A. The keeping, storage, depositing, or accumulation on the premises of any personal property which is within the view of persons on adjacent or nearby real property or the public right-of-way when such personal property constitutes visual blight, reduces the aesthetic appearance of the neighborhood, is offensive to the senses, or is detrimental to nearby property or property values, including, but not limited to: trash, junk, garbage, debris, household goods, mattresses, paints and solvents, vehicle and/or bicycle tires, tire racks, rims, wheels, inoperative vehicles, vehicles in various states of disrepair, vehicle parts, cabinets, furniture clothing, appliances, boxes, construction materials and/or tools, yard and garden equipment in excess of that which is reasonable and acceptable for maintaining the property at which it is located, bicycles, scooters and like items in excess of that which is reasonable for use by the current occupants of a property and unseaworthy boats or vessels. Wood and building materials being used, or to be used, for a project of repair or renovation and for which an active building permit is in existence may be stored for as long as is necessary to complete the project expeditiously. Upon expiration or cancellation of the permit, wood and building materials for the project must be immediately removed.
- B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials that constitute visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values.
- C. A swimming pool, pond or other body of water on the premises which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted; "polluted water" means water contained in a swimming pool, pond, or other body of water, which includes but is not limited to bacterial growth, including algae, vector breeding, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.
- D. Buildings which are abandoned, boarded up, partially destroyed, structurally unsafe, substantially deteriorated, or left unreasonably in a state of partial construction without an active building permit; unpainted, unmaintained or otherwise unprotected buildings, causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds; buildings with broken windows constituting hazardous conditions and inviting trespassers, illegal or unauthorized uses, and malicious mischief; and buildings which are a fire hazard or otherwise present a danger to the public.
- E. Any condition in violation of the City building regulations, set forth in the Uniform Housing Code of the Uniform Code for Dangerous Buildings.
- F. Any condition in violation of the State Housing law.
- G. Any condition in violation of the City's Nuisance Abatement Code (Live Oak Municipal Code, Chapter 8.24).

- H. Any condition in violation of Title 8 of the Live Oak Municipal Code (refuse collection and disposal, fire prevention code, motor vehicle racing, trailers and trailer camps, smoking in public places, Nuisance Abatement Code).
- I. Any condition in violation of Title 17 of the Live Oak Municipal Code (zoning).
- J. Any condition in violation of any provision of the Live Oak Municipal Code defined to be a nuisance.
- K. Any condition in violation of the City's animal control regulations set forth in Title 6 of the Live Oak Municipal Code.
- L. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris or discarded vehicles, vehicle parts and/or vehicle hulks.
- M. Any illegal activity occurring on the property which is detrimental to the life, health, safety and welfare of the residents, neighbors or public. For purposes of this chapter, illegal activity is defined as any violation of State or Federal law, rules or regulations or local ordinances, including, without limitation, Chapter 13 of Title 21 of the United States Code and particularly 21 U.S.C. Sections 812 and 844(a).

Nothing in this section shall make a violation of Federal or California statutes a crime under the Live Oak Municipal Code, unless specifically stated elsewhere in this code.

Nothing in this section shall be construed to burden any criminal defense a person may have under State or Federal law if criminally prosecuted for a violation of Federal or California statutes.

(Ord. 519 § 1, 2009; Ord. 541 §§ 1, 2, 2012)

§ 14.08.040. Administration and enforcement.

- A. The City Manager shall be the primary City official responsible for the administration and enforcement of this chapter. The City Manager may appoint a nuisance abatement team or other City official as designee and delegate all or a portion of the administration and enforcement responsibilities to that team or official. Any legal remedies available may be pursued by the City Manager or designee and the City Attorney to address violations of this chapter. The City Manager shall follow the provisions of Live Oak Municipal Codes Sections 14.01.040 and 14.01.110 when enforcing the provisions of this chapter.
- B. Enforcement of this chapter shall occur when violations are public nuisances as defined herein. Enforcement of violations which are visible from the public right-of-way shall be given priority, unless otherwise specified or determined to be an imminent hazard by the City Manager or designee.
- C. Nothing in this chapter shall prevent the City Council from ordering the City Attorney to commence a civil proceeding to abate a public nuisance as an alternative to the proceedings set forth in this chapter. The procedures set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law.

(Ord. 519 § 1, 2009)

§ 14.08.050. Administrative penalties.

- A. In addition to any other penalties or remedies available to the City for a violation of this chapter, every violation of this chapter determined to be an infraction is punishable by: (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the same section within one year; (3) a fine not exceeding \$500.00 for each additional violation of the same section within one year. Each day that a violation exists shall be a separate and distinct violation.
- B. Notwithstanding subsection A, above, in addition to any other remedies available for a violation of this chapter, a violation of local Building and Safety Codes determined to be an infraction is punishable by: (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$500.00 for a second violation of the same section within one year; (3) a fine not exceeding \$1,000.00 for each additional violation of the same section within one year for the first violation. Each day that a violation exists shall be a separate and distinct violation.
- C. The penalties incurred under this section may be assessed pursuant to Sections 14.08.080 through 14.08.130, inclusive, and recovered pursuant to Sections 14.08.150 through 14.08.200, inclusive, or may be assessed and collected by judicial action pursuant to Section 14.08.210 at the City's election.
- (Ord. 519 § 1, 2009; Ord. 549 § 1, 2014)

§ 14.08.060. Right of entry and inspection.

The City Manager or personnel acting under his or her direction may enter upon private or public property to enforce or administer the provisions of this chapter: (1) with the voluntary consent of the owner or occupant of the premises; (2) where there is no reasonable expectation of privacy; or (3) pursuant to an inspection warrant in accordance with Sections 18.22.50 to 18.22.57 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of State or Federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant at the premises, or by forcible entry.

(Ord. 519 § 1, 2009)

§ 14.08.070. Abatement.

It shall be the responsibility of an owner to abate any public nuisance located on property that is owned, controlled, leased or occupied by such person.

Alternatively, the City may petition a court of competent jurisdiction for an abatement warrant authorizing the City Manager or designee, or contractor of the City to enter onto the premises to abate a public nuisance. An abatement warrant shall be requested in the same manner, and be in substantially the same form, as an inspection warrant, as referenced in Section 14.08.060 of this chapter.

(Ord. 519 § 1, 2009)

§ 14.08.080. Commencement of nuisance abatement.

- A. Whenever the City Manager or designee has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, he or she may commence proceedings to cause abatement of the nuisance as provided herein. The City Manager or designee shall also respond to and investigate citizen complaints regarding public nuisances.
- B. Upon a determination that any public nuisance exists in violation of this chapter, the City Manager or designee shall issue a notice of violation and order to abate (notice and order) directed to the record owner(s) of the premises. The notice and order shall contain:
 - 1. The street address and/or such other description as is required to identify the premises;
 - 2. A statement specifying the conditions which constitute the nuisance and declaring such conditions to be a public nuisance pursuant to Section 14.08.030 of this chapter;
 - 3. A statement of the action required to be taken to eliminate the public nuisance;
 - 4. A statement ordering the owner to abate the nuisance prior to a set date;
 - 5. A statement advising that any person having any record title or legal interest in the premises may appeal the notice and order provided that the appeal is made in writing as provided by Section 14.08.110 of this chapter;
 - 6. A statement that the appeal request must be in writing and filed with the City Manager within 30 days of service of the notice and order;
 - 7. A statement that failure to appeal the notice and order will constitute a waiver of all right to an administrative hearing and will be a final determination of the matter;
 - 8. A statement that if the public nuisance is not abated within the time set forth in the notice and order, the City will arrange for abatement at the expense of any or all owners.
- C. If the City intends to seek attorney's fees pursuant to Section 38773.5 of the Government Code, a statement that the City intends to seek and recover attorney's fees.
(Ord. 519 § 1, 2009)

§ 14.08.090. Fees imposed.

A fee shall be imposed on the owner of any property for which a notice and order is issued pursuant to this chapter. The fee shall be calculated to recover the total City cost of inspections and enforcement and shall be set by resolution of the City Council. An additional fee which shall be set by resolution of the City Council shall be imposed on the owner of the property at the conclusion of any matter in which a notice and order has been issued. This termination fee shall be calculated to recover the cost of closing the file, removing or placing liens, and other associated administrative costs. The fees imposed pursuant to this section shall be due and owing regardless of whether the public nuisance is eliminated in response to the notice and order. All fees shall be a personal obligation of the owner and a lien upon the property and are due and payable within 30 days of issuance of the notice and order of closing of the file respectively; provided that if an appeal is filed, the fees shall be due and payable upon a final decision on the appeal. Any fee not paid within that time shall be collected pursuant to the procedure set forth in Section 14.08.150 of this chapter.

(Ord. 519 § 1, 2009)

§ 14.08.100. Service of notice and order.

- A. The notice and order and any amended or supplemental notice and order shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the City Manager or designee or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the City Manager or designee to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
- B. Service of the notice and order may be made upon all persons entitled thereto in the following manner:
 - 1. Personal service; or
 - 2. Certified mail, postage prepaid, return receipt requested to each person as required pursuant to the provisions of subsection A of this section at the address as it appears on the last equalized assessment roll of the County, and as known to the City Manager or designee. The address of the owner shown on the assessment roll shall be conclusively deemed to be the property address for the purpose of mailing such notice. Simultaneously, the same notice may be sent by first class (regular) mail. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.
- C. Service by certified or regular mail in the manner described above shall be effective on the date of mailing.
- D. The failure of any person with an interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the County in which the property is located pursuant to Government Code Section 6062.
- E. Proof of service of the notice and order shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt returned in acknowledgement of receipt by certified mail shall be made part of the City's permanent record.

(Ord. 519 § 1, 2009)

§ 14.08.110. Appeal.

- A. Form of Appeal. Any person having any record title or legal interest in the premises may appeal from any notice and order of the City Manager under this chapter by filing at the office of the City Manager within 30 days from the date of service of such notice and order, a written appeal containing:
 - 1. A brief statement setting forth the legal interest of each of the appellants in the

premises involved in the Notice and Order;

2. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
 3. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action shall be reversed, modified, or otherwise set aside;
 4. The signatures of all parties named as appellants and their official mailing addresses, with statements from each appellant that each agrees to accept service of the written notice at the time and place of the appeal hearing and the decision of the hearing examiner at such address;
 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- B. Processing of Appeal. Upon receipt of any appeal filed and the appeal fee pursuant to this section, the City Manager shall transmit said appeal to a hearing officer retained by the City who shall calendar it for hearing within 45 days of the filing of the appeal.
- C. Notice of Appeal for Hearing. Written notice of the time and place of the hearing shall be given at least 10 calendar days prior to the date of hearing to each appellant by the hearing officer either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy, thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal.
- D. Appeal Fee. Except as provided herein, the City Manager shall collect and require an appeal fee to be paid at the time the written appeal notice is filed. The appeal fee shall be set by resolution of the City Council. The fee shall be calculated to recover the total City costs incurred in the appeal, including, but not limited to, staff time to process and handle the appeal, hearing officer compensation, preparation and service of notices and staff appearance at the appeal hearing. No appeal shall proceed without payment of the fee at the time the appeal is filed provided that the City Manager may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with the notice and order, and other factors indicating good faith attempts to comply.
- E. Effect of Failure to Appeal. Failure of any person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.
- F. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered at the hearing of the appeal.
- G. Staying of Order Under Appeal. Enforcement of the notice and order of the City Manager issued under this chapter shall be stayed while an appeal that is properly and timely filed is pending.
- (Ord. 519 § 1, 2009)

§ 14.08.120. Appeal hearing.

- A. At the time set for hearing, the hearing officer shall proceed to hear the testimony of the City Manager or designee, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter.
- B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand report to maintain a record of the proceedings at the party's own expense. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended.
- C. The hearing officer may, upon request of the owner of the premises or upon request of the City Manager or designee, grant continuances from time to time for good cause shown, or upon his or her own motion.
- D. Government Code of the State of California, Section 11513, subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings under this chapter.
- E. Each party may represent themselves, or be represented by anyone of their choice. If a party does not proficiently speak or understand the English language, he or she may provide an interpreter, at the party's own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearing.
- F. In reaching a decision, official notice may be taken by the hearing officer, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State or which may appear in any of the official records of the City.
- G. The hearing officer may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:
 - 1. Notice of such inspection shall be given to the parties before the inspection is made;
 - 2. The parties are given an opportunity to be present during the inspection; and
 - 3. The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(Ord. 519 § 1, 2009)

§ 14.08.130. Hearing officer decision.

- A. The decision of the hearing officer shall be in writing and shall contain findings of fact and a determination of the issues presented. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance, the decision shall require the owner to commence abatement of the nuisance no later than 15 days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing officer, or in the alternative, with the time designated by the City Manager. The decision shall inform the owner that if the nuisance is not abated within the time specified, the nuisance may be abated by the City without further notice in such manner as may be ordered by the City Manager and the expense thereof made a lien on the property involved

and/or a personal obligation. The decision may impose administrative penalties as may be appropriate under Section 14.08.050.

- B. The decision shall also inform the owner that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the hearing officer and served as follows: the City Manager shall serve a copy on the record owner, in the same manner as set forth in Section 14.08.100 of this chapter, and one copy shall be served on each of the following, if known to the City Manager or disclosed from official public record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the premises.
- C. After any notice and order issued pursuant to this chapter shall have become final by failure to file a timely appeal or after hearing officer's decision on appeal is rendered, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.
- D. If, after any notice of violation and penalty order or any order of a hearing examiner made pursuant to this chapter has become final, and the person to whom such order is directed shall fail, neglect or refuse to obey such order, the enforcement officer, in addition to the rights provided elsewhere in this code, is authorized to cause the nuisance to be abated by City personnel or private contract. In furtherance of this section, the enforcement officer may obtain a warrant, writ, writ of possession or other appropriate court order, if required, and thereafter is expressly authorized to enter upon the premises for the purpose of abating the nuisance.

(Ord. 519 § 1, 2009; Ord. 541 § 2, 2012)

§ 14.08.140. Summary abatement.

If, in the opinion of the City Manager, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if not abated according to the procedures of this chapter, would, during the pendency of the proceedings, subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provision of this chapter. Abatement may include, but is not limited to, boarding of windows, doors and other openings to City specifications, removal junk and debris, and securing the perimeter of the property with fencing, gates or barricades (to prevent further occurrences of the nuisance activity).

(Ord. 519 § 1, 2009)

§ 14.08.150. Recovery of costs of abatement.

- A. Every owner of property within the City is liable to the City for the cost of abatement of a public nuisance located on his or her premises conducted pursuant to this chapter.
- B. The City Manager or designee shall keep an itemized account of the expense incurred by the City in abating nuisances under the provisions of this chapter including all administrative costs. Upon completion of the work of abatement, the City Manager or designee shall prepare and file with the finance officer of the City a report specifying the work done, the itemized and total cost of the work, a description of the real property at which the work was performed, and the names and addresses of the persons entitled to notice pursuant to Section 14.08.100 of this chapter.

- C. Upon receipt of the report, the finance officer shall immediately bill the owner(s) for payment of the cost of the abatement work, together with all administrative costs, stating that the billing is due and payable within 30 days of its date, and if not paid within that time the amount hereof may become a lien on the property upon which the abatement work was performed and may be collected with taxes assessed on the secured tax roll of Sutter County.
- D. The finance officer shall keep an account of the costs, including administrative charges, incurred by the City to abate public nuisances as aforesaid for each separate lot or parcel of land and shall embody such account in a report and assessment list made to the City Council, which report shall be filed with the City Clerk. Such report shall refer to each separate lot or parcel of land by description reasonably sufficient to identify the same, together with the expense, including administrative charges, proposed to be assessed against it. The report and assessment/lien list need not contain any reference to lots or parcels of land upon which abatement work has been done at the expense of the City, if the cost thereof has been paid to the City prior to the preparation of the report and assessment/lien list.

(Ord. 519 § 1, 2009)

§ 14.08.160. Notice of report and hearing.

- A. The City Clerk shall post a copy of the finance officer's report and assessment/lien list on the bulletin board of the City Hall together with notice of the filing thereof and the time and place when and where it will be submitted to the City Council for hearing and confirmation. The finance officer shall mail to the person or persons whose property is mentioned in the report and assessment/lien list and the manner prescribed in Section 14.08.150 a notice inform substantially as follows:

**COSTS, ASSESSMENT AND/OR LIEN FOR NUISANCE ABATEMENT AND NOTICE
OF HEARING TO CONFIRM COSTS, ASSESSMENT AND/OR LIEN**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 14.08 of the Live Oak Municipal code, the City Manager has abated a public nuisance from real property owned, occupied, rented, managed or controlled by you, which real property and the cost of said abatement work are as described and set forth on the enclosed billing.

NOTICE IS HEREBY FURTHER GIVEN that on ____ day of _____, 20____ at the hour of _____, or as soon thereafter as the matter can be heard at _____ the report of the finance officer on the cost of nuisance abatement, and the assessment/lien list thereof, will be presented to the City Council for consideration, correction and confirmation, and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments/liens, or to any matter or thing contained therein may appear and be heard. The failure to make any objection or protest to said report and list shall be deemed a waiver of same.

Upon confirmation of said cost, assessment/lien by the City Council, the amount thereof will be due and payable. In the event the same is not paid within 15 days following confirmation, said assessment/lien along with an additional fee as set by resolution of the City Council on file in the City Clerk's Office will be added to the secured property tax roll of Sutter County and thereafter shall become an assessment/lien on said property.

If you have any questions or want additional information regarding this matter, please contact the finance officer at 9955 Live Oak Blvd., Live Oak, CA. (530) 695-2112.

DATED: _____

FINANCE OFFICER
City of Live Oak, California

- B. The posting of the finance officer's report and assessment/lien list and the mailing of notice to property owners as above provided for shall be done at least 10 days before the date of the hearing scheduled before the City Council.
- C. In every instance where abatement work has been performed at the expense of the City and a billing therefor has been rendered and is past due as of June 1st of any calendar year, the hearing for confirmation thereof shall be held by June 30th of that same calendar year; if the same is past due as of December 1st of any calendar year, the hearing for confirmation thereof shall be held by December 30th of that same calendar year.

(Ord. 519 § 1, 2009)

§ 14.08.170. Hearing and confirmation.

- A. At the time and place fixed for receiving and considering the finance officer's report and assessment/lien list, the City Council shall hear the same together with any protests or objections which may be raised or lodged by property owners or other interested persons. Upon the conclusion of such hearing, the City Council shall make such corrections or modifications in any proposed costs which it may deem to be excessive or otherwise incorrect after which such costs shall be confirmed by resolution adopted by the City Council. The City Council may delete from the report and cancel any costs found improper or unjustified. The confirmation of the report and costs by the City Council shall be final and conclusive.
- B. Upon taking action under subsection A, the City Council may order that the costs of abatement be made a personal obligation of the property owner and either a nuisance abatement lien or a special assessment against the property.
- C. If an action or proceeding is commenced to recover the costs, the prevailing party shall be entitled to recover reasonable attorneys' fees, provided that, pursuant to California Government Code Section 38773.5 attorneys' fees shall only be available where the City has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.
- D. A nuisance abatement lien may be recorded and enforced against the property pursuant to the provisions of California Government Code Section 38773.1. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. As part of the foreclosure action, the City may recover reasonable attorneys' fees and costs, including, but not limited to, costs incurred for processing and recording the lien and providing notice to the property owner.
- E. As an alternative to a nuisance abatement lien, the costs of abatement may be made a

special assessment against the property. The special assessment may be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedures, including the sale of the property in case of delinquency, as provided for ordinary municipal taxes. The special assessment shall continue until the assessment and all interest and penalties due and payable thereon have been paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment.

(Ord. 519 § 1, 2009)

§ 14.08.180. Effect of assessment and notice of lien.

- A. It shall be permissible for any person to pay the amount of such assessment that has been imposed for nuisance abatement within 15 days following the date of adoption of the City Council resolution confirming the assessment/lien. If the assessment/lien is not paid on or before said date, the total amount thereof shall be entered on the next succeeding fiscal year's secured tax roll of Sutter County for that property, and the assessment shall thereupon become a lien against the property, and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. The lien of the assessment shall have the priority of the taxes with which it is collected. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.
- B. If the property is owned by a public agency of the local, State or Federal government, the assessment shall not be entered on the County tax roll, but rather collected in the same manner as other unsecured obligations due and owing to the City.
- C. Further, if the assessment is not paid within 15 days following the date of adoption of the City Council resolution confirming it, the City Manager may prepare and cause to be recorded in the office of the County Recorder a notice of lien, which shall be in form approved by the City Attorney, and from the time of recording the notice of lien, the amount of the assessment shall be and constitute a lien upon the property having the force and effect of a judgment lien until released and discharged, or otherwise extinguished in the manner provided by law. When the assessment is paid, the City Manager shall promptly deliver to the person or persons entitled thereto a release of lien, which shall be in a form approved by the City Attorney, which may be recorded by such person or persons to extinguish the lien on the property. The City Manager shall not record a notice of lien against the property owned by a public agency of the local, State or Federal government.

(Ord. 519 § 1, 2009)

§ 14.08.190. Collection of assessment and transfer to unsecured roll.

If any real property to which the lien provided for in Section 14.08.180 would attach has been transferred or conveyed to a bona fide purchaser for value, or if the lien of a bona fide purchaser for value has been created and attaches thereon, prior to the date on which the first installment of such taxes levied for municipal purposes would become delinquent, then the lien which would otherwise be imposed by this chapter shall not attach to such real property, and the costs of abatement as confirmed relating to such property shall be transferred to the unsecured tax roll for collection. In such event, the City may notify the appropriate County officials that it will undertake collection of the amount owing from the property owner or owners at the time the abatement work was actually performed utilizing collection procedures applied with respect to

other unsecured obligations due the City.
(Ord. 519 § 1, 2009)

§ 14.08.200. Time for contest of assessment.

The validity of any costs, assessment or lien made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the cost, assessment or lien is confirmed by the City Council.
(Ord. 519 § 1, 2009)

§ 14.08.210. Judicial enforcement.

In addition to, or as an alternative to the proceedings set forth elsewhere in this chapter, the City Attorney may seek judicial enforcement of this chapter which may include, but not be limited to, the following:

- A. Enforcement of the City's building or other local ordinances by way of injunction, including contempt proceedings for the violation of any such injunction.
- B. The imposition of civil penalties.
- C. The appointment of a receiver.
- D. Enforcement of any other rights or remedies available to the City in any manner provided by law.

(Ord. 519 § 1, 2009)