

ORDINANCE NO. 87-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO NUISANCE ABATEMENT.

THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDAINS AS FOLLOWS:

Section 1. Purpose

This ordinance amends the Municipal Code by simplifying procedures relating to the summary abatement of nuisances and by enlarging the definition of nuisances amending the Municipal Code to include all types of public nuisances.

Section 2. Amendment: Property Maintenance

Section 3-14.1 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 3-14.1 Property Inspection

The Nuisance Abatement Officer shall inspect property within the City to determine whether an accumulation of refuse, rubbish, weeds or another condition of public nuisance exists. If the Nuisance Abatement Officer determines that such a condition exists, he/she shall notify the property owner and the person occupying the property and request voluntary removal of the refuse, rubbish or weeds or the voluntary abatement of the nuisance. The Nuisance Abatement Officer shall inform the City Administrator if he/she is unable to notify the property owner or person occupying the property or if such persons will not voluntarily remove the refuse, rubbish or weeds or abate the nuisance."

Section 3. Amendment: Determination

Section 3-14.2 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 3-14.2 City Administrator Determinations

(a) After the Nuisance Abatement Officer notifies the City Administrator that he/she is unable to contact the property owner or person occupying the property or that such persons will not voluntarily remove such refuse, rubbish, weeds or abate the nuisance, the City Administrator may declare the property to be a public nuisance. This action by the City Administrator shall refer to the location of the public nuisance by common street name and by official assessor map lot and block number.

(b) The City Administrator may also find and declare that weeds on specified parcels of property are seasonal and reoccurring nuisances and may order the preventive abatement of such nuisances by the use of chemical controls."

Section 4. Amendment: Notices

Section 3-14.3 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 3-14.3 Notice of Abatement

(a) The Nuisance Abatement Officer shall cause notice of the city Administrator's determination to be conspicuously posted on or in front of the property where the refuse, rubbish and weeds have accumulated or other public nuisance exists. One such notice shall be posted on each separately owned parcel property of not over 50' frontage; two such notices shall be posted on each parcel of property with frontage between 50' and 100'; and multiple notices shall be posted 100' apart if the frontage of the parcel is greater than 100'. The Nuisance Abatement Officer shall mail a notice of the City Administrator's determination to the person owning property whose ownership is shown on the latest equalized assessment roll and to the occupant of the property.

(b) The notices required by this Chapter shall be in substantially the following form:

NOTICE TO REMOVE REFUSE, RUBBISH OR WEEDS OR ABATE PUBLIC NUISANCE

Notice is hereby given that the City Administrator has found and declared that the following condition on your property located at (property location) constitutes a public nuisance: (describe condition)

The City Administrator has also found and determined that this condition must be abated by its removal. It will be removed and the nuisance abated by the City and the cost of removal assessed on the land from or in front of which the condition is to be removed and such costs will constitute a lien on such land until paid. Reference is made to the enclosed order for all further particulars.

All property owners having any objection to the proposed removal or abatement of the above described nuisance are hereby notified to attend a meeting of the City Council of the City of Ridgecrest to be held on (state time and place) when their objections will be heard and given due consideration.

Dated:

Nuisance Abatement Officer  
City of Ridgecrest

"

**Section 5. Amendment: Hearing**

Section 3-14.4 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

**"Section 3-14.4 City Council Determination**

(a) At the time stated in the notice presented by the Nuisance Abatement Officer, the City Council shall hear and consider all objections to the proposed abatement order. The Council may continue the hearing from time to time. The Council shall allow or overrule any objections by motion or resolution at the conclusion of the hearing.

(b) If objections have not been made, or after the Council has disposed of objections which have been made, the Council may order the Nuisance Abatement Officer to abate the Nuisance. The order shall be made by motion or resolution.

(c) Any property owner may abate the nuisance at his or her expense before the Nuisance Abatement Officer arrives to perform the work. The Council may order the abatement to be performed by contract awarded on the basis of competitive bids and let to the lowest responsible bidder. In such event, the contractor shall keep an account and submit the report as required below for each separate parcel of land."

**Section 6. Amendment: Reports**

Section 3-14.5 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

**"Section 3-14.5 Accounts and Reports**

(a) The Finance Director shall keep an account of the cost of abatement on each separate parcel of land where work is done. He shall submit an itemized written report showing such costs to the Council for confirmation."

(b) A notice of hearing and a copy of the Finance Director's report shall be posted for at least three days prior to its submission to the Council.

(c) At the time fixed for receiving and considering the report, the Council shall hear it with any objections by property owners liable to be assessed. The Council may modify the report as necessary. The Council shall then confirm the report by motion or resolution.

(d) A copy of the Nuisance Abatement Officer's cost report shall be posted for at least 3-days prior to its submission to the Council, along with a notice of the time of submission.

(e) The time fixed for receiving and considering the report, the Council shall hear it with any objections of the property owners liable to be assessed for the abatement. The Council shall modify the report if it is deemed necessary. The Council shall then confirm the report by motion or resolution."

Section 7. Repeals

Section 3-14.6, 3-14.7, 3-14.8, 3-14.9 and 3-14.10 of the Ridgecrest Municipal Code are hereby repealed.

Section 8. Other

Except as provided herein the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED THIS 16TH DAY OF DECEMBER 1987, BY THE FOLLOWING VOTE:

AYES: Mayor Mower, Councilmembers Wiknich, Bergens, Condos and Corlett.

NOES: None.

ABSTAIN: None.

ABSENT: None.

*Michael R. Mower*  
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Michael R. Mower, Mayor

ATTEST:

*Jane E. Ridgway, Deputy*  
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Joyce M. Taft, City Clerk