

ORDINANCE NO. 99-03

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

Section 1. Purpose.

This ordinance provides for hearing before the Planning Commission to consider appeals of nuisance abatement orders.

Section 2. Amendment.

Section 4-15.104 of the Ridgecrest Municipal Code is amended and reenacted to read as follows:

"(a) The hearing to determine whether a nuisance exists shall be conducted by the Planning Commission. The Commission shall consider relevant evidence, including, but not limited to, staff reports, testimony, other interested persons, objections or protests relative to the existence of the alleged nuisance of the manner proposed for abatement hereof. The hearing may be continued from time to time by the Commission.

(b) If the Commission finds a nuisance exists, the Commission shall issue an order directing abatement within a specified time and manner. The Commission shall cause a copy of the abatement order to be served on each owner of the property by mailing the same to the address used for mailing notice of the hearing, or to such other address as may be known to the Commission. If the Commission determines a nuisance does not exist on the property, the Commission shall terminate the proceedings and give written notice of such action to the property owner.

(c) The decision of the Commission shall be final in the absence of an appeal to the City Council filed in accordance with this Article."

Section 3. Amendment.

Section 4-15.105 of the Ridgecrest Municipal Code is amended and reenacted to read as follows:

"(a) The owner of the affected property or any other interested person may appeal any decision of determination by the Planning Commission to the Council by filing a written notice of appeal with the Clerk within five (5) city working days after notice of the Commission's decision. The notice of appeal shall state the grounds for the appeal and shall be accompanied by a processing fee as per the City's schedule of fees. If a timely appeal is filed, the Council shall review the decision of the Commission. The property owner and other interested persons shall be heard. If the Council finds a nuisance exists, the Council shall order the abatement within a specified amount of time and

manner. If the nuisance is not abated in accordance with the abatement order, the City may enforce the order with the cost of the abatement to be charged to the property owner. If the Council finds a nuisance does not exist, or the nuisance has been abated prior to the hearing, the Council shall terminate the proceedings. The decision of the Council is final.

(b) The Clerk shall mail a copy of the Council finding/abatement order to the property owner and to any other person submitting a request. The Clerk may also record a certified copy of the abatement order in the Office of the Kern County Recorder if such recording is required."

Section 4. Other.

Except as provided herein, the Ridgecrest Municipal Code is reaffirmed and readopted. The City Clerk shall cause a summary of this ordinance to be published.

PASSED, APPROVED AND ADOPTED, on first reading, on this 4th day of August, 1999, by the following votes:

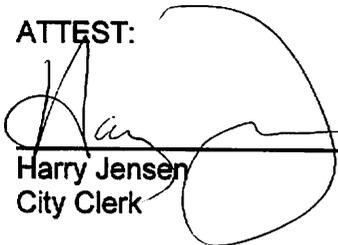
AYES: Mayor Darnell, Council Members, Holloway, and Morgan

NOES: Council Member Carter

ABSTAIN: None

ABSENT: Council Member Rollins

ATTEST:



Harry Jensen
City Clerk



Donna Darnell, Mayor