



Legislation Details (With Text)

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**Title:** HEARING TO CONSIDER APPROVAL AND CONFIRMATION OF ABATEMENT COST REPORT FOR RECOVERY OF COSTS RELATED TO PUBLIC NUISANCE ABATEMENT CONDUCTED AT 424 E. 238TH STREET

**Sponsors:** City Council, Ken McKay

**Indexes:**

**Code sections:**

**Attachments:** 1. Cost of Abatement Report (with Notice of Hearing)

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, December 06, 2022

Special Orders of the Day

**SUBJECT:**

**HEARING TO CONSIDER APPROVAL AND CONFIRMATION OF ABATEMENT COST REPORT FOR RECOVERY OF COSTS RELATED TO PUBLIC NUISANCE ABATEMENT CONDUCTED AT 424 E. 238TH STREET**

**I. SUMMARY**

This item is continued from last Council meeting dated November 15, 2022.

On May 19, 2022, pursuant to an abatement warrant under Chapters 3 and 7 of Article V and Chapter 5 of Article IV the Carson Municipal Code, a City of Carson Code Enforcement Officer and Public Works maintenance employees performed a property abatement at the property located at 424 E. 238<sup>th</sup> Street, Carson, California, 90745. Staff is now seeking Council confirmation and approval of a Cost of Abatement Report reflecting the legally recoverable abatement costs incurred in order for the City to recover such costs via a special assessment or nuisance abatement lien against the subject property.

**II. RECOMMENDATION**

TAKE the following actions:

1. OPEN the hearing, hear and pass upon the evidence submitted by staff, together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance, and CLOSE the hearing.
2. APPROVE and CONFIRM the Cost of Abatement Report (Exhibit No. 1).

### III. ALTERNATIVES

TAKE any other action the City Council deems appropriate that is consistent with the requirements of law.

### IV. BACKGROUND

On August 8, 2017, while on routine patrol, Code Enforcement Officer (CEO) Rockhold observed, inspected and found multiple violations on the subject property. A warning notice was issued to the Property Owner (PO) on said date.

After several inspections in response to services request complaints and several warning notices issued, a code enforcement case was initiated on May 21, 2019. On June 6, 2019, a Notice of Code Violation was mailed for the following Carson Municipal Code (CMC) sections:

5702 - Maintenance of property (multiple violations, e.g., Broken or discarded furniture, household equipment or appliances on the premises for unreasonable periods and visible from the public right-of-way; trash, garbage or recycling containers stored in front or side yards and visible from the public right-of-way, );

4500 *et seq.*- Removal of abandoned vehicles - violations on (9126.23) Front yard, (9126.29) Encroachment, (9162.3) Location of parking; and

1200 - Penalty Provisions.

On September 19, 2019, a notice of violation was issued to add a violation of CMC Section 5321 (litter and weed control - sidewalk and parkway).

Follow-up inspections were conducted on the following dates with little or no progress: 7/19/19, 9/7/19, 9/26/19, 10/18/19, 11/8/19, 1/4/20, 1/18/20, 1/19/20, 5/10/20, 8/27/20, 3/1/21, 4/15/21, 5/11/21, 6/2/21, 10/18/21, 12/1/21, 12/13/21, 1/4/22, 1/11/22, 2/2/22, 3/1/22, 3/16/22, 4/7/22, 5/4/22.

On January 20, 2022, Abatement Violation (AV) letters were sent certified mail and on February 7, 2022, a new AV letter was mailed certified with additional information for abatement. In addition, a letter was sent to the PO for a telephone conference on February 8, 2022; however, the PO never called or joined the telephone conference.

On February 7, 2022, the City mailed the PO Notice of Intent to Abate and Remove Abandoned or Inoperable Vehicles per CMC 4520. No hearing was requested in response thereto per CMC 4521.

On March 3, 2022, the abatement notice was posted on the front door of the property. By April 11, 2022, City Clerk's office confirmed that no appeal was received for subject address.

On May 11, 2022, the City obtained a Court-issued abatement warrant authorizing the City to enter onto the subject property to abate the code violations. On May 17, 2022, a Code Enforcement officer conducted a last inspection with Public Works staff to show them what was included in the abatement. On May 19, 2022, the City posted the abatement warrant on the subject property.

On May 20, 2022, the City, through Public Safety and Public Works staff, executed the Abatement Warrant, abating numerous violations of various provisions of CMC 5702 on the subject property as well as a violation of CMC 5321 and a violation of CMC 4513. A warrant return was filed with the Court on May 25, 2022.

Per standard Code Compliance procedure, full documentation of this case is contained in the case file maintained by the Code Enforcement officer that has been handling this case. Documentation includes inspections done on the Property, photographs of the Property, public records searches for owner's contact information, the initial warning notice, subsequent notices of code violations, copies of abatement letters that were posted at the Property and mailed to the owner of record, notices of nuisance, and the abatement warrant and return. Legal documents were prepared with the assistance of the City Prosecutor to ensure compliance with legal requirements.

An accounting of the cost, including incidental expenses, of the public nuisance abatement has been kept, and itemized report of such costs is now being presented for City Council approval. A copy of the report, together with a notice of the time when said report would be submitted to the City Council for confirmation (i.e., this hearing), was posted on the subject property for at least five (5) days prior to submitting the report to the Council. A copy of the report was also served upon the PO at least five days prior to submitting the report to the Council. Proof of such posting and service has been made by affidavit and filed with the City Clerk. (See CMC 5705, 5712-5713).

The City Council shall hear and pass upon the report being submitted, together with any objections or protests raised by any of the persons liable to the assessed for the cost of abating the nuisance. The City Council may then make such revision, correction or modification to the report as it may deem just, after which, the report as it is submitted, or as revised, corrected, or modified, shall be confirmed. (See CMC 5713).

The cost of abatement set forth in a confirmed abatement cost report would constitute a special assessment against the subject property, and the report would be required to be transmitted to the Assessor/Tax Collector for the amount of the assessment to be added to the property tax rolls and collected accordingly, unless the Director elects as an alternative to record a nuisance abatement lien in the office of the County Recorder (See CMC 5714).

Upon confirmation of the Cost of Abatement Report (if and to the extent the report is confirmed), staff would proceed in accordance with the CMC to take the final steps necessary recover the costs from the PO.

Relevant CMC sections, including 4512, 4520-4521, 5321, 5705, and 5712-14, are

available at: <https://www.codepublishing.com/CA/Carson/>.

Staff is now requesting City Council approval of staff recommendations in order to proceed with cost recovery of the public nuisance abatement at the property located at 424 E. 238<sup>th</sup> Street, Carson, CA 90746.

## **V. FISCAL IMPACT**

The City of Carson has borne the cost of \$5,480.87 for abating the public nuisances at the property located at 424 E. 238<sup>th</sup> St., Carson, California, 90745. If the Cost of Abatement Report is confirmed, the cost of abatement set forth therein (\$5,480.87) will be made aspecial assessment or nuisance abatement lien against the subject property to be recovered from the property owner in accordance with applicable provisions of the CMC.

## **VI. EXHIBITS**

1. Cost of Abatement Report - 424 E. 238<sup>th</sup> Street, Carson, CA (with notice of hearing).

1.

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City Attorney's Office