



Legislation Details (With Text)

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Title: HEARING TO CONSIDER APPROVAL AND CONFIRMATION OF ABATEMENT COST REPORT FOR PUBLIC NUISANCE ABATEMENT CONDUCTED AT 19447 WEISER AVENUE (CITY COUNCIL)
Sponsors: City Council
Indexes:
Code sections:
Attachments: 1. CMC 5321,5322,5705,5706,5712,5713,5714, 2. Notice and Cost of Abatement Report

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

Tuesday, July 06, 2021

Special Orders of the Day

SUBJECT:

HEARING TO CONSIDER APPROVAL AND CONFIRMATION OF ABATEMENT COST REPORT FOR PUBLIC NUISANCE ABATEMENT CONDUCTED AT 19447 WEISER AVENUE (CITY COUNCIL)

I. SUMMARY

On February 3, 2021, pursuant to Chapters 3 (Litter and Weed Control) and 7 (Property Maintenance) of Article V (Sanitation and Health) of the Carson Municipal Code (Exhibit No. 1), a City of Carson Code Enforcement Officer and City Public Works maintenance employees performed a weed and noxious growth abatement at the property located at 19447 Weiser Avenue, Carson, California, 90746. Staff is requesting Council approval of the report of the cost of that abatement pursuant to Carson Municipal Code (CMC) Sections 5712-5713. If approved, the cost of abatement would become a special assessment against the subject lot to be recovered from the property owner per CMC Section 5714.

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. 2).

III. ALTERNATIVES

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

IV. BACKGROUND

On June 2, 2019, while on routine patrol, a Code Enforcement Officer (CEO) observed, inspected and found overgrown and dead vegetation on the parkway, front and side yard areas and weeds growing on the sidewalk and driveway of the property located at 19447 Weiser Avenue, Carson, CA 90746. A warning notice of violation of CMC Sections 5321 and 5322 was issued to the Property Owner (PO).

On October 11, 2019, a third inspection from the public right-of-way revealed that slight progress was made towards compliance, but the violation was not completely abated. City attempted to conduct a meeting with the PO; however, the PO failed to attend the meeting.

On April 20, 2020, after another inspection of the property, a new warning notice was issued to the PO. Violations of CMC Sections 5321 and 5322 continued to exist on the property and on May 23, 2020, a Notice of Code Violation was issued for said violations.

After another five inspections of the property revealing no correction of the violations, a Notice and Order to Abate was mailed to the PO on December 14, 2020 in accordance with CMC Sections 5705-5706. Again, the PO failed to respond or to otherwise take action to abate the violations/nuisance conditions identified in the Notice and Order to Abate (and prior notices) within the time specified therein. Neither the PO nor any other person appealed the Notice and Order to Abate.

The foregoing is not a comprehensive list of the notices issued to the PO for the aforementioned violations. In addition to the aforementioned notices and orders, the City issued notices of criminal violation of CMC 5321 and 5322 as well as other warnings and notices of violation in an attempt to achieve voluntary compliance from the PO that remained ongoing from June of 2019 to January of 2021, but the attempts were unsuccessful. At that point, staff deemed it necessary to proceed with the abatement of the public nuisance conditions via City forces per CMC Section 5710.

On February 3, 2021, pursuant to CMC 5710, the City, having obtained an Abatement Warrant from a court of competent jurisdiction authorizing the action, executed the Abatement Warrant by abating the public nuisance conditions on the subject property using Public Safety and Public Works staff.

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 issued by the court. 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 an itemized report of such costs is now being presented for City Council approval per CMC 5712-5713 (Exhibit No. 2). A copy of the abatement cost report, together with a notice of the time when the 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 City Council, in accordance with CMC 5712. A copy of the report was also served upon the PO in accordance with CMC 5705 at least five days prior to submitting the report to the Council, as required by CMC 5712. Proof of such posting and service has been made by affidavit and filed with the City Clerk as required by CMC 5712.

At the time and place fixed for receiving and considering the abatement cost report, the City Council shall hear and pass upon the evidence submitted by staff, 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. The hearing may be continued from time to time. (CMC 5713).

Per CMC 5714(a), the cost of abatement as set forth in the 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 pursuant to CMC 5714(b).

Upon confirmation of the abatement cost report (if and to the extent the report is confirmed), staff would proceed in accordance with CMC 5714 to take the final steps necessary recover the costs from the PO (Ex. No. 1).

Staff is requesting City Council approval and confirmation of the abatement cost report to effectuate cost recovery of the public nuisance abatement at the property located at 19447 Weiser Avenue, Carson, CA 90746.

V. FISCAL IMPACT

The City has borne the cost of \$2,026.97 to abate the public nuisance at the property located at 19447 Weiser Avenue, Carson, California, 90746. If the abatement cost report is confirmed, the cost of abatement set forth therein (\$2,026.97) shall constitute a special assessment against the subject property to be recovered from the property owner pursuant

to CMC Section 5714.

VI. EXHIBITS

1. Carson Municipal Code Sections 5321, 5322, 5705, 5706, 5712-5714 (pg. 4-5)
2. Cost of Abatement Report - 19447 Weiser Avenue, Carson, CA 90746 (pg. 6)

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