

## 9.32.180 Public Nuisance

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- A. Purpose. The purpose of this section is to encourage property maintenance practices and standards that will avoid conditions that are detrimental to the public health, safety, or general welfare, or conditions that constitute a public nuisance as defined by Section 3480 of the California [Civil Code](#).
- B. Declaration of Civil Public Nuisance. It is declared a civil public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in the City to maintain upon such premises, or to permit, cause, or allow to exist on such premises, any condition that is detrimental to the public health, safety, or general welfare, or that constitutes a public nuisance as defined by Section 3480 of the California [Civil Code](#). Such conditions shall include but shall not be limited to the following:
1. Buildings or structures, or portions thereof, that are damaged, dilapidated, or inadequately or improperly maintained such that they are structurally unsafe, or do not provide adequate egress, or that constitute a fire hazard, or that are otherwise dangerous to human life or that in relation to existing use constitute a hazard to the public health, safety, or general welfare. Such buildings or structures shall include those that are abandoned, hazardously or inadequately boarded up, partially destroyed, or in a state of partial construction;
  2. Other conditions related to buildings, structures, walls, fences, or landscaping that are of a hazardous nature and require immediate correction, repair, or adequate and proper maintenance, including but not limited to the existence of broken glass in doors or windows that are located in an area of public access, surfaces showing evidence of dry rot, warping, or termite infestation; doors, aisles, passageways, stairways, or other means of exit that do not provide a safe and adequate means of exit; any wall or other vertical structural member that lists, leans, or is buckled to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base; or any other condition that because of a lack of proper sanitation or soundness, or as a result of dilapidation, decay damage or faulty construction or arrangement, is likely to cause sickness, disease, or threat to the public health, safety or general welfare;
  3. Land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, causes erosion, subsidence, or surface water runoff problems of such magnitude to be injurious or potentially injurious to the public health, safety, or general welfare;
  4. Vegetation, including, but not limited to, trees, shrubbery, or grass, cultivated or uncultivated, that is overgrown, dead, decayed, or diseased such that it is likely to harbor rats, vermin, insects, or other nuisances that are dangerous to the public health safety, or general welfare;
  5. Any materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk, trash or debris that is stored in any yard area in such a manner or in such condition as to be detrimental to the public health, safety, or general welfare;
  6. Trash or garbage cans, bins, boxes, or other such containers that are unclean, uncovered, or damaged and that are stored in a front or side yard such that they may be visible from the public street and may be detrimental to health, safety, or general welfare;
  7. Excavations, ponds, pools, or unenclosed or empty swimming pools that may be an attractive nuisance to children or in such other condition as may be detrimental to the public health, safety, or general welfare;
  8. Areas for the movement, parking, loading, repair or storage of vehicles shall be paved with a continuous, impervious material so as provide an even, unbroken driving surface, and be striped as required by Sections 9.08.040.130 through 9.08.040.190, Sections 9.12.040.160 through 9.12.040.220, and Sections 9.16.040.130 through 9.16.040.210 to assure proper parking alignment and circulation. These requirements shall not apply to areas beneath mobile homes;
  9. Unpainted buildings and those having dry rot, warping, or termite infestation. Buildings on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, dry rot, warping, or termite infestation so as to render the buildings unsightly and in a state of disrepair.
- C. This Section Not Exclusive Regulation. This section is not the exclusive regulation of property maintenance. It shall be supplemental and in addition to the other regulatory codes, statutes, and ordinances heretofore or hereinafter enacted by the City, State of California, or any other legal entity or agency having jurisdiction.

D. Enforcement Officer, Right of Entry. Except as otherwise provided herein, the provisions of this section shall be administered by the City Manager or his or her designee. In the administration of this part, the City Manager or his or her designee may, after first providing notice required by law, or securing a court order from a court of competent jurisdiction, enter upon private or public property to examine the condition of the property for any of the conditions listed above in this section.

E. Rehabilitation of Public Nuisance. All or any part of premises or property found to be maintained in violation of this section may be abated by rehabilitation, demolition, or repair pursuant to the procedures set forth herein.

F. Finding of Nuisance. Whenever the City Manager or his or her designee shall find that any premises or property within the City is maintained contrary to the provision of this section, he or she shall give notice to the owner of record of said property as reflected in the most recent county assessor's parcel roll, stating the violation of said section and the conditions that constitute a public nuisance. Such notice shall set forth a reasonable time limit for correction of the violation and of the public nuisance, and may also set forth suggested methods for correcting same. Such notice shall be personally served upon or mailed to the property owner of record by certified mail.

G. Hearing to Abate Nuisance. In the event said owner of record shall fail, neglect, or refuse to comply with the notice to correct violations provided for in this section above, a public hearing before the Neighborhood Improvement and Conservation Commission shall be held for the purposes stated in conduct of hearing, findings, orders and determinations, in this section below. Notice of said hearing shall be personally served upon or mailed to the property owner of record at least 10 days before the hearing by certified mail, with a five-day return requested. If the foregoing notice is returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than 10 days from the date of such return.

H. Conduct of Hearing, Findings, Orders, and Determinations. All hearings under this section shall be held before the Neighborhood Improvement and Conservation Commission that shall hear and consider all evidence offered as to whether or not a nuisance, in fact, exists. If the Neighborhood Improvement and Conservation Commission determines that no nuisance exists, the City Manager and his or her designees shall take no further action with respect to the subject property. If the Neighborhood Improvement and Conservation Commission determines that a nuisance exists, the Neighborhood Improvement Commission shall order the nuisance removed and abated by the owner within a reasonable period of time then specified and may further recommend to the City Attorney that he or she seek a court order from a court of competent jurisdiction to abate the nuisance if it is not timely abated by the owner. The owner of record of the property may appear in person at the hearing or present a written statement in time for consideration at the hearing. The decision of the Neighborhood Improvement and Conservation Commission shall be final.

I. Service of Order to Abate. A copy of the resolution of the Neighborhood Improvement and Conservation Commission ordering the abatement of the nuisance shall be served upon the owners of record of the property by certified mail or personal service, and shall contain a detailed list of needed corrections and abatement methods. Any property owner shall have the right to have such premises rehabilitated or to have such buildings or structures demolished or repaired in accordance with said resolution at his or her own expense, provided the same is done prior to the expiration of a reasonable abatement period that shall commence upon the date the resolution is served upon the owner. Upon such abatement in full by the owner, proceedings hereunder shall terminate.

J. City Abatement. If such nuisance is not completely abated as directed by the resolution of the Neighborhood Improvement and Conservation Commission within the reasonable abatement period mentioned in the above section, then the City Manager or his or her designee, after provided notice required by law and obtaining any warrants required by law, may implement the abatement action in accordance with the Neighborhood Improvement and Conservation Commission order, without further proceedings. The City Manager may direct and cause the same to be abated by city forces or private contract. Notwithstanding the foregoing, in the event that the estimated cost of abatement exceeds \$10,000.00, or abatement requires the removal of a permitted structure, the City Attorney shall first obtain a court order for the abatement.

K. Expenses, Lien. Pursuant to California [Government Code](#) Sections 38773 and 38773.5, all expenses so incurred by the City in connection with such abatement shall be charged to, and become an indebtedness to, the owner of such structure or premises, as well as a lien upon the affected property, as elsewhere herein provided.

L. Cost Accounting—Notification. The City Manager or his or her designee shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done, and shall render a sworn itemized report in writing to the City Council showing the cost of abatement and the

rehabilitating, demolishing or repairing of said premises, buildings, or structures, including any salvage value relating thereto; provided that at least five days before said report is submitted to said City Council, a copy of same shall be personally served or mailed by certified mail to the property owner of record, together with a notice of the time when said report shall be heard by the City Council for confirmation. Proof of said service or mailing shall be made by affidavit filed with the City Clerk. The term "incidental expenses" shall include, but not be limited to, the actual expenses and cost of the City in the preparation of notices, specifications and contracts, and inspecting the work and the cost of printing and mailing required hereunder, and any other legal and administrative enforcement costs.

M. Assessment Lien.

1. The total cost for abating such nuisance, as so confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and a personal obligation against the property owner pursuant to California [Government Code](#) Sections 38773 and 38773.5, and upon recordation in the office of the County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property and said property owner for the amount of such assessment.
2. After confirmation and recordation, a copy may be turned over to the tax collector for the City, whereupon it shall be the duty of the tax collector to add the amounts of the respective assessments to the next regular tax bill levied against those respective lots and parcels of land for municipal purposes, and thereafter that 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 for ordinary municipal taxes; or, after recordation such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
3. Notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN

Claim of City of Garden Grove Pursuant to the Authority vested by the provision of Chapter [9.32](#) of the Garden Grove Municipal Code, the City Manager or designee of the City of Garden Grove did on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Garden Grove did on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Garden Grove does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of \$ \_\_\_\_\_; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record. The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Garden Grove, County of Orange, State of California, and in particularly described as follows:

(description)

Dated: This \_\_\_\_ day \_\_\_\_\_, 20 \_\_\_\_.

City Manager, City of Garden Grove

N. Alternative Actions Available. Nothing in the foregoing sections shall be construed to prevent the filing of a civil court action to abate a public nuisance pursuant to applicable law or to file a misdemeanor criminal action if deemed legally appropriate by the City Attorney. (2758 § 2, 2009)