

ORDINANCE NO. 1113

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS  
2 ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTER 9.40 OF TITLE 9 OF THE  
3 LA VERNE MUNICIPAL CODE RELATING TO PROPERTY MAINTENANCE AND PUBLIC  
4 NUISANCE

5 THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA DOES ORDAIN AS  
6 FOLLOWS:

7 **SECTION 1.** Chapter 9.40 of Title 9 of the La Verne Municipal Code relating to Property  
8 Maintenance is hereby amended in its entirety to read as follows:

9 **9.40.010 Intent of chapter.**

10 a) It is not intended by this chapter to repeal, abrogate, annul or in any way impair or  
11 interfere with existing provisions of other laws, ordinances or zoning permit conditions, or  
12 with private restrictions placed upon property by covenant, deed, or other private  
13 agreement or with restrictive covenants running with the land to which the City is a party.  
14 The purpose of this chapter is to provide minimum standards for the maintenance of  
15 property in the City. Where this chapter imposes a greater restriction upon property or  
16 structures thereon than is imposed or required by existing provisions of law, ordinance,  
17 contract or deed, the provisions of this chapter shall control.

18 b) It is the decision of the City Council that abatement of nuisances pursuant to this  
19 article may be performed by contract awarded by the City Council on the basis of  
20 competitive bids let to the lowest responsible bidder pursuant to California Public  
21 Contract Code section 20164, 20166, 20167, and 20170 to 20174 inclusive. In such  
22 event the contractor shall keep the account and submit the itemized written report for  
23 each separate parcel of land required by section 9.40.116.

24 **9.40.020 Responsibilities for property maintenance.**

25 Every owner, lessee, occupant or person having charge or control of property within the  
26 City is required to maintain such property in a manner so as not to violate provisions of  
27 this chapter, and such owner, lessee, occupant or person having charge or control of  
28 property remains liable for violations thereof regardless of any contract or agreement  
29 with any third party regarding such property. The duties imposed by this section shall in  
no instance relieve those persons herein referred to from the similar duty.

**9.40.030 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context  
clearly indicates or requires a different meaning:

**ABATE.** To remove the source of the public nuisance either by correcting specific  
problems or by removal from public or private property.

**ABATEMENT COSTS.** Also referred to as COSTS OF ABATEMENT and

1 **ADMINISTRATIVE COSTS.** They include all costs and expenses incurred by the City in  
2 abating a public nuisance. Such costs include, but are not limited to, the following: the actual  
3 expenses and costs to the City in the preparation of notices, specifications and contracts;  
4 inspection of the work; any attorney fees expended in the abatement of the nuisance through  
5 civil action or otherwise; all costs and expenses for which the City may be liable under state law  
6 arising from or related to the nuisance abatement action; and all costs or expenses to which the  
7 City may be entitled pursuant to California Health and Safety Code Section 520 and other  
8 statutory entitlements.

9 **ABATEMENT COSTS** shall begin to accrue at the time the City first receives a  
10 complaint regarding a problem on the property.

11 **ABATEMENT HEARING.** The administrative hearing before the Hearing Officer after  
12 issuance of a notice to abate by an Abatement Official.

13 **ABATEMENT OFFICIAL.** The City Manager, the Building Official, the Chief of Police,  
14 the Fire Official, the Code Enforcement Officer and any employee or agent of the City so  
15 designated by them and charged with enforcing the Municipal Code of the City, or applicable  
16 state code.

17 **APPLICABLE STATE CODE.** Any law of the State of California which protects the  
18 health, safety, or welfare of the citizens of the City of La Verne.

19 **BOARDED BUILDING.** A building whose doors and windows have been covered with  
20 plywood or other material for the purpose of preventing entry into the building by persons or  
21 animals.

22 **BUILDING OFFICIAL.** The Building Official of the City of La Verne.

23 **CODE ENFORT OFFICER.** A Code Enforcement Officer appointed by the City Manager  
24 pursuant to Section 2.32.100 A of this Code,

25 **CITY MANAGER.** The City Manager of the City of La Verne.

26 **FIRE OFFICIAL.** The Fire Chief, Deputy Fire Chief, or Fire Marshal or designee,  
27 authorized to enforce provisions of the Municipal Code or the Fire Code of the City of La Verne.

28 **HEARING OFFICER.** The official designated by the City Clerk charged with presiding  
29 over the abatement hearing and responsible for issuing orders to abate public nuisances and  
costs.

**INTERESTED PARTY.** The owner, legal occupant, or holder of a recorded interest of a  
property subject to a notice or order to abate.

**NON-APPROVED MATERIAL.** A material utilized that is not approved by the City.



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3. Excavations and Piles of Dirt. Excavations and piles of dirt which constitute a hazard which is detrimental to the public health, safety, or general welfare, or which tend to degrade the aesthetic quality or property value;

A. Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to any of the following conditions:

1. Any building or structure in which there exists any of the substandard conditions as listed in Section 9904 of the Los Angeles County Building Code, as adopted by the City,
2. Faulty weather protection including, but not limited to, crumbling, cracked, missing, broken or loose exterior plaster or other siding, roofs, foundations or floors, broken or missing windows or doors exposing the interior of the premises to the elements,
3. Any building or structure left in a state of incomplete construction, partial demolition, or left damaged by vandalism, fire, earthquake or other similar acts, for a period of six consecutive months, excluding such time when work is in progress pursuant to a valid building or other construction permit.
4. The peeling, chipped, blistering or absence of paint, stain, varnish or similar coatings on any building or structure which is visible from any public street, public property, adjacent property or right-of-way where such condition tends to degrade the aesthetic quality of, or tends to reduce property values in the immediate neighborhood,
5. Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements or which are boarded up by method or materials not approved by the Code Enforcement Officer and/or Building Official,
6. Fences or walls which are in a hazardous condition, or which are in disrepair or decay, or which are composed, in whole or in part, of non-fencing material, or which hinder free access to public sidewalks or other public property,
7. Substantial deterioration of porches, landings, patios, stairways or guardrails which are visible from any public right-of-way or neighboring property and have a tendency to degrade the appearance or property value of surrounding property,
8. Broken, defective or un-maintained decorative elements of a building, structure, parking lot or landscaped area which are injurious or potentially injurious to public health, safety and welfare or have a tendency to degrade the appearance or property values of surrounding property;

B. Landscaping and vegetation, which are subject to any of the following conditions:

1. Dead, decayed, diseased or hazardous trees, weeds or other overgrown vegetation likely to harbor rats, vermin or other nuisances,
  2. Weeds or other vegetation which constitutes a fire hazard to any building, improvements, crops or other property, whether located on private property, or the right-of-way located between sidewalk and curb or the entire right-of-way area when no sidewalk exists,
  3. Overgrown or un-trimmed trees, hedges, shrubs or other plants normally trimmed by other property owners in the City, having the potential to depreciate the property values of other properties in the immediate neighborhood,
  4. Trees, shrubs, lawn or other plants, which are dying from lack of adequate water, fertilization or maintenance, or where the same are diseased,
  5. Lawns growing in excess of six inches in height, or untrimmed and encroaching more than two inches over sidewalks or other hardscape improvements,
  6. Lack of residential landscaping, or required landscaping in commercial or industrial zones, whether located on private property or the right-of-way located between sidewalk and curb, or the entire right-of-way area when no sidewalk exists, when compared to other properties in the immediate neighborhood;
- C. Unpaved or deteriorated parking lots, driveways and walkways containing uneven surfaces, or drainage problems that are hazardous to traffic or pedestrian circulation; or upon which surface is an excessive amount of grease, oil, hydraulic fluid, transmission fluid, radiator coolant, or other vehicle fluids;
- D. Attractive nuisances (those objects which, by their nature, may attract children or other curious individuals) including, but not limited to, hazardous pools, ponds, iceboxes, refrigerators, neglected machinery, excavations or stagnant water;
- E. Storage or scattering over any property or any public right-of-way abutting the property, when visible from any public right-of-way or neighboring property, any of the following:
1. Debris, rubbish or trash not stored in approved trash receptacles,
  2. Abandoned, discarded, broken, wrecked, inoperable or discarded household furnishings, appliances, machines and tools, or similar objects or equipment,
  3. Discarded building materials or machinery;
- F. Packing boxes and other debris stored in yards and visible from a public right-of-way or neighboring property;

1 G. Clotheslines, or the hanging, drying or airing of clothing or household fabrics on  
2 fences, trees or shrubberies in front or side yards which is open to view from the  
3 street or public right-of-way;

4 H. The storage of refuse or recycling containers on any street, sidewalk, parking area,  
5 front or side yard, such that they are visible from a public street, except when done in  
6 accordance with Section 13.28.050 of this code;

7 J. Maintenance of premises in such condition as to be detrimental to the public health,  
8 safety or general welfare or in such a manner as to constitute a public nuisance as defined by  
9 Section 3480 of the California Civil Code;

10 K. Graffiti or other writing, inscription, word, figure, symbol or design that is marked,  
11 etched, scratched, drawn or painted upon any permanent structure or privately owned real  
12 property.

13 L. Any standing or stagnant water on private or public property, which may become a  
14 breeding source for mosquitoes;

15 M. Any property that is in violation of the California Fire Code and that poses an  
16 immediate threat to the safety and welfare of its occupants or nearby properties.

#### 17 **9.40.050 Applicability**

18 All or any part of premises found, as provided herein, to constitute a public nuisance  
19 shall be abated by rehabilitation, demolition, or repair pursuant to the procedures set  
20 forth herein. The procedures set forth herein shall not in any manner, however, limit or  
21 restrict the City from enforcing City ordinances or abating public nuisances in any other  
22 manner provided by law.

#### 23 **9.40.060 Declaration of nuisances**

24 Declaration of a Public Nuisance. It is unlawful and it is declared to be a public nuisance  
25 for any person owning, leasing, occupying, or having charge or possession of any  
26 residential, agricultural, commercial, industrial, business park, office, educational,  
27 religious, vacant, or other premises within the City, to maintain such premises in such a  
28 manner that any of the following conditions is found to exist thereon:

- 29 (a) Any violation of a federal, state, or local ordinance, land use plan, rule, regulation,  
and/or any code adopted by reference in this code.
- (b) Any industrial, commercial, or residential property not maintained in a condition  
consistent with the approved plans or conditions.
- (c) Any land, the topography, geology, or configuration of which, whether in a natural  
state or as a result of grading operations, excavations, fill, or other alteration,  
interferes with the established drainage pattern over a property or from adjoining or  
other properties which does or may result in erosion, subsidence, or surface water

drainage problems so as to be injurious to public health, safety, welfare, usability, or appearance to neighboring properties.

- (d) Any building or structure left permanently unoccupied, permanently abandoned, partially destroyed or in a state of partial construction for an unreasonable period of time; a period of 90 days shall serve as a guide in determining whether an unreasonable time has gone by. Exception: when there exists a valid and active building permit, issued by the City, and construction is actively ongoing to the satisfaction of the Building Official, a period of 180 days shall govern in accordance with the most recently adopted edition of the California Building Code.
- (e) Any building or structure erected, altered, expanded, maintained or used, contrary to the provisions of this code or any condition or requirement imposed upon the structure.
- (f) Any condition that falls within the scope of the definition of "public nuisance" as set forth in California Health and Safety Code Section 11570.

**9.40.070 Authorized Code Enforcement Officer: Citation Authority.**

- (a) The City Manager shall have authority to designate, by written order, particular officers or employees as a Code Enforcement Officer. The Code Enforcement Officer shall have the authority to do all acts necessary to enforce the provisions of this article as well as other provisions of this Code as set forth in an order of the City Manager.
- (b) The Code Enforcement Officer is hereby authorized by the City Council, pursuant to sections 836.5 of the California Penal Code and subject to the provisions thereof, to arrest a person without warrant whenever the Code Enforcement Officer has reasonable cause to believe that the person to be arrested has violated a provision of this article or such other section of this Code which he/she has been authorized by the City Manager to enforce, in the Code Enforcement Officer's presence or fails to correct a violation and therefore has committed an infraction which the Code Enforcement Officer has the discretionary duty to enforce.
- (c) The Code Enforcement Officer is further authorized by the City Council to issue a "Notice to Appear" and to release such person on his or her written promise to appear in court, pursuant to sections 853.5 and 853.6 of the California Penal Code. Under no circumstances may the Code Enforcement Officer take the person to be arrested into custody. In the event that the person to be arrested demands to be taken before the magistrate or refuses to provide his or her written promise to appear in court, the Code Enforcement Officer must either summon a La Verne Police Officer, explain the situation, and request that the Police Officer arrest the person and take the person into custody, or seek assistance of the City Attorney, and request that an infraction or misdemeanor complaint be prepared and filed against the person.
- (d) The Fire Official or designee is hereby authorized by the City Council, pursuant to sections 836.5 of the California Penal Code and sections 104 and 110 of the Fire

Code of the City of La Verne and subject to the provisions thereof, to arrest a person without warrant whenever said official has reasonable cause to believe that the person to be arrested has violated a provision of this article or such other section of this Code which he/she has been authorized by the City Manager to enforce, in the Fire Official's presence or fails to correct a violation and therefore has committed an infraction which the Fire Official has the discretionary duty to enforce.

- (e) The Fire Official is further authorized by the City Council to issue a "Notice to Appear" and to release such person on his or her written promise to appear in court, pursuant to sections 853.5 and 853.6 of the California Penal Code. Under no circumstances may the Code Enforcement Officer take the person to be arrested into custody. In the event that the person to be arrested demands to be taken before the magistrate or refuses to provide his or her written promise to appear in court, the Fire Official must either summon a La Verne Police Officer, explain the situation, and request that the Police Officer arrest the person and take the person into custody, or seek assistance of the City Attorney, and request that an infraction or misdemeanor complaint be prepared and filed against the person.

#### **9.40.080 Abatement of Public Nuisances.**

Any property found to constitute a public nuisance in violation of section 9.40.060 hereof may be abated by rehabilitation, removal, demolition, or repair pursuant to procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive or restrict the City from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

#### **9.40.090 Notice to Abate.**

Whenever the Code Enforcement Officer or Fire Official determines that property within the City is being maintained as a public nuisance in violation of section 9.40.060 contrary to one or more provisions of section 9.40.040, he/she may give written "notice to abate." Such notice shall be served on any owner, lessee and occupant of said property stating the section(s) being violated. The notice shall set forth a reasonable time limit, in no event less than ten (10) calendar days, for correcting the violation(s) and may also set forth suggested correction methods. The notice shall be served upon the property owner, lessee or occupant in accordance with the provisions of section 9.40.120. The notice shall contain a reference to the right of appeal provided in section 9.40.140.

#### **9.40.100 Emergency Abatement.**

Whenever the Code Enforcement Officer or Fire Official determines that property within the City is being maintained as a public nuisance in violation of section 9.40.060 contrary to one or more provisions of section 9.40.040, and that such public nuisance constitutes an immediate hazard or threat of harm such that the situation calls for abatement sooner than the abatement procedures in this chapter otherwise allow, the Code Enforcement Officer or Fire Official may take or cause emergency abatement of such nuisance with such notice to parties concerned, or without notice, as the particular circumstance reasonably allows. After the summary abatement, notice and a reasonable opportunity to



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be heard will be afforded. Expenses and costs of abatement can be appealed to the City Council in accordance with the procedures established in sections 9.40.190 through 9.40.240 hereof.

**9.40.110 Voluntary Abatement of Nuisances.**

The owner, lessee or occupant of any building, structure or property alleged to be a nuisance under the provisions of this chapter may abate the nuisance at any time within the abatement period provided in the notice of the Code Enforcement Officer, by rehabilitation, repair, removal, or demolition. The owner, lessee, or occupant shall advise the Code Enforcement Officer of the abatement. Once so advised, the Code Enforcement Officer shall inspect the premises to ensure that the nuisance has, in fact, been abated.

**9.40.120 Service of Notice.**

Any "notice to abate" "notice of hearing," "resolution ordering abatement," itemized statement of costs," or other mailing required of City shall be served in person, by first class mail, or by certified mail to the owner, lessee, tenant, and occupant, to the addressee's last known address, including the subject premises. Additionally, a copy of such notice shall be mailed to each property owner of record as shown on the last equalized assessment roll of the county or as known to the Code Enforcement Officer. Service shall be deemed complete at the time the document is personally served or deposited in the mail. Failure of any person to receive a document shall not affect the validity of any proceedings hereunder. If the City intends to utilize the procedures authorized by Government Code section 38773.5, as authorized by section 9.40.230 hereof, the documents referenced in this section shall be served by certified mail, return receipt requested.

**9.40.130 Procedure –No Appeal.**

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner specifically set forth in said "notice to abate." If such nuisance is not abated as ordered within said abatement period or within such time as extended by the Code Enforcement Officer, the Building Official shall cause same to be abated by City employees or by private contractor. The Building Official is expressly authorized to enter said property for such purposes. Costs, as specified in section 9.40.190 shall be billed to the owner.

**9.40.140 Appeal Procedure- Hearing by Board of Appeals.**

(a) The owner, occupant or lessee may appeal the Code Enforcement Officer's "Notice to Abate" to the Board of Appeals by filing an appeal with the Building Official within ten (10) calendar days of receipt of the Code Enforcement Officer's order to abate. The appeal shall contain:

- (1) Specific identification of subject property;
- (2) Names and addresses of all appellants;
- (3) A statement of appellant's legal interest in the subject property;

- (4) A statement (in ordinary, concise language) of the specific order or action protested and grounds for appeal, together with all material facts;
- (5) Date and signatures of all appellants; and
- (6) Verification of at least one appellant as to the truth of matters stated in the appeal.

(b) As soon as practical after receiving the appeal, the Building Official shall set a date for the Board to hear the appeal. This date shall be not less than ten (10) calendar days nor more than thirty (30) calendar days from date the appeal was filed. The Building Official shall give each appellant written "Notice of Hearing by Board of Appeal" specifying the time and place of the hearing. Notice of said hearing shall be served upon the appellant at the address shown on the appeal in accordance with provisions of section 9.40.100. Continuance of the hearing may be granted by the Board on request of the appellant when good cause is shown, or on the Board's own motion.

(c) The Code Enforcement Officer's notice to abate shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

**9.40.150 Decision by Board**

(a) Upon conclusion of the hearing, the Board shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the Board so finds, they shall adopt a resolution declaring such property to be a public nuisance ("resolution ordering abatement"), setting forth their findings and ordering abatement by having such property rehabilitated, repaired, removed or demolished by manner and means specifically set forth in the resolution. The resolution shall set forth the time when such work shall be completed by the appellant, in no event less than thirty (30) days. The decision and order of the Board shall be final.

(b) A copy of the "resolution ordering abatement" of said nuisance shall be served on the appellant and upon all owners if such persons are not the appellant of the subject property in accordance with provisions of section 9.40. 120. Upon abatement in full by the appellant or any other person, the proceedings hereunder shall terminate.

**9.40.160 Hearing Procedure.**

Hearings may be tape recorded. Hearings need not be conducted according to technical rules of evidence. All testimony given shall be under oath. Hearsay evidence may be used for supplementing or explaining direct evidence. Any decision need not depend upon any particular evidence or showing of proof.

**9.40.170 Abatement by City.**

(a) If a declared nuisance is not abated as ordered within the given abatement period, the applicable Abatement Official shall cause same to be abated by City employees or private contractor as appropriate. Said Official is expressly authorized to enter

said property for such purposes.

- 1 (b) Abatement costs, including incidental expenses, of abating the nuisance shall be  
2 billed to the occupant and to the owner if the owner is not the occupant and shall  
3 become due and payable thirty (30) days thereafter. The term "incidental expenses"  
4 shall include, but not be limited to, costs incurred in documenting the nuisance;  
5 personnel costs; printing and mailing costs; hearing costs; attorney fees; actual  
6 expenses of the City in preparing notices; specifications or contracts, and costs to  
7 inspect work.
- 8 (c) No person shall obstruct or interfere with the applicable Abatement Official or with  
9 any person who owns or holds an interest in a property, in the performance of  
10 necessary acts to execute an order to abate issued pursuant to this article. Violation  
11 of this section shall constitute a misdemeanor.

12 **9.40.180 Alternative Actions.**

13 Noting in this article shall be deemed to prevent the City from ordering the  
14 commencement of a civil proceeding to abate a public nuisance pursuant to applicable  
15 law or from pursuing any other remedy available under applicable law.

16 **9.40.190 Itemized Statement of Costs.**

- 17 (a) The applicable Abatement Official shall keep an account of the cost, including  
18 incidental expenses, of abating such nuisance on each separate lot or parcel of land  
19 where work is performed by the City or private contractor. An "itemized statement of  
20 costs" shall be rendered in writing to the City Council showing the cost of abatement,  
21 including rehabilitation, demolition or repair of said property, including any salvage  
22 value relating thereto.
- 23 (b) At least ten (10) calendar days before an "itemized statement of costs" is submitted  
24 to the City Council, a copy of said statement and notice shall be served on the  
25 appellant and upon owners of said property, if the owners are not the appellant, in  
26 accordance with the provisions of section 9.40.120. Proof of posting and service  
27 shall be made by affidavit or declaration under penalty of perjury filed with the City  
28 Clerk.

29 **9.40.200 Protest and Objections.**

Any person liable to be assessed for the cost of an abatement action may file a written protest or objection to the "itemized statement of costs," with the City Clerk at any time prior to the time set for hearing. The City Clerk shall endorse each protest or objection received and shall present such protest or objection to the City Council at the time set for the hearing. No other protests or objections shall be considered.

**9.40.210 Hearing of Protests.**

At the day and hour fixed for the hearing of protests and objections, the City Council shall hear and act on the applicable Abatement Official's "itemized statement of costs"

1 and on protests or objections of those liable to be assessed for the cost of abatement.  
2 The City Council may make revisions or corrections to the statement as it deems just  
3 and thereafter shall confirm the statement by motion or resolution. The decision of the  
4 City Council on all protests and objections which may be made regarding the statement  
5 shall be final and conclusive.

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7 **9.40.220 Special Assessment and Personal Obligation.**

8 Pursuant to Government Code sections 38773 and 38773.5, the City Council shall  
9 thereupon order that all costs included in the confirmed "itemized statement of costs"  
10 constitute a lien against the property to which it relates and that all such costs be made a  
11 personal obligation against the property owner.

12 **9.40.230 Assessment Lien.**

- 13 (a) The total cost for abating such nuisance, as confirmed by the City Council, shall  
14 constitute a special assessment against the respective lot or parcel of land to which it  
15 relates, and upon recordation in the office of the county recorder of a "notice of lien,"  
16 as so made and confirmed, shall constitute a lien on said property for such  
17 assessment.
- 18 (b) After such confirmation and recordation, a certified copy of the confirmed "itemized  
19 statement of costs" shall be filed with the Los Angeles County auditor-controller on or  
20 before August 1 of each year. It shall be the duty of the auditor-controller to add the  
21 amounts of the respective assessments to the next regular tax bills levied against  
22 said lots and parcels of land for municipal purposes. Thereafter, said amounts shall  
23 be collected at the same time and in the same manner as ordinary municipal taxes  
24 are collected, and shall be subject to the same penalties and the same procedures  
25 and sale in case of delinquency as provided for ordinary municipal taxes. All laws  
26 applicable to the levy, collection and enforcement of municipal taxes shall be  
27 applicable to such special assessment.
- 28 (c) In the alternative, after such recordation, such lien may be foreclosed by judicial or  
29 other sale in the manner and means provided by law.
- (d) A "notice of lien" for recordation shall be provided according to a standard format  
kept on record by the Code Enforcement Officer.

**9.40.240 Personal Obligation.**

All costs associated with abatement proceedings which are not satisfied through the  
procedures of this article may be collected on behalf of the City by the City Attorney or  
the City Attorney's designee using the appropriate legal remedies.

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**9.40.250 City Council Declaration of Weeds, Rubbish, Refuse and Dirt to be Public Nuisances, Resolution.**

The City Council may declare by resolution as public nuisances, and abate:

(a) All weeds growing upon the streets, sidewalks, or private property in the City.

(b) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City.

**9.40.260 Resolution Declaring Public Nuisance; Contents.**

The resolution adopted by the City Council pursuant to section 9.40.250 shall:

(a) Refer to the street(s) by its/their commonly known name(s).

(b) Describe the property(ies) upon which or in front of which the nuisance(s) exist(s) by giving the applicable lot and block number(s) according to the official or City assessment map.

**9.40.270 City Council Declaration of Weeds as Recurrent Nuisances.**

Pursuant to California Government Code section 39562.1, at the time it adopts the resolution as provided for by sections 9.40.250 and 9.40.260 hereof, the City Council may also find and declare that weeds on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of this section, provided that upon the second and any subsequent occurrence of such nuisance on the same parcel or parcels within the same calendar year, no further hearings need to be held and it shall be sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll. The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the City authorities, in which case the cost of such removal shall be assessed upon the parcel and lands from which or in front of which such weeds are removed and that upon confirmation such cost will constitute a lien upon such parcel or lands until paid.

**9.40.280 Alternatives**

Nothing in the foregoing sections of this chapter shall be deemed to prevent the City Council from ordering the City Attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable civil or penal code provisions as an alternative to the proceedings set forth herein or by administrative fines.

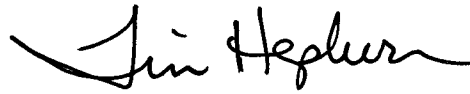
In any action, administrative proceeding, or special proceeding to abate a nuisance, attorney's fees may be recovered by the prevailing party if the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a

prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

**SECTION 2. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, and subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional

**SECTION 3. EFFECTIVE DATE** This Ordinance shall take effect 30 days after its final passage.

**APPROVED AND ADOPTED this 19<sup>th</sup> day of December, 2022.**



Tim Hepburn, Mayor

**ATTEST:**

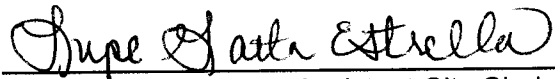


Lupe Gaeta Estrella, Assistant City Clerk

**CERTIFICATION**

I, Lupe Gaeta Estrella, Assistant City Clerk, City of La Verne, California, do hereby certify that the foregoing Ordinance No. 1113 was adopted at a regular meeting of the City Council duly held on the 5<sup>th</sup> day of December, 2022, and duly passed, approved and adopted by said City Council and thereupon duly signed by the Mayor and attested by the Assistant City Clerk, by the following vote:

AYES: Kashifalghita, Johnson, Lau, Crosby, and Mayor Hepburn.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.



Lupe Gaeta Estrella, Assistant City Clerk