

BOARD OF SUPERVISORS, GLENN COUNTY, CALIFORNIA

ORDINANCE NO. 1338

AN ORDINANCE OF THE COUNTY OF GLENN AMENDING THE GLENN COUNTY ORDINANCE CODE BY AMENDING TITLE 1, CHAPTER 1.15 RELATING TO PUBLIC NUISANCE ABATEMENT

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN ORDAINS AS FOLLOWS:

Section 1: The Glenn County Ordinance Code is hereby amended by amending Title 1, Chapter 15 to read in its entirety as follows:

Chapter 1.15

Public Nuisance Abatement

1.15 Public Nuisance Abatement

1.15.010 Findings And Purpose

1.15.015 Definitions

1.15.020 Public Nuisance Violations

1.15.021 General Property Nuisance

1.15.022 Specific Property Nuisance

1.15.030 Scope Of Chapter

1.15.040 Enforcement Officer

1.15.050 Abatement Of Public Nuisances

1.15.060 Non-Exclusive Remedies And Penalties

1.15.070 Authority To Inspect

1.15.080 Summary Abatement

1.15.090 Administrative Citation And Contents Of Citation

1.15.100 Service Of Notice

1.15.110 Administrative Appeal And Delegation

1.15.120 Liability For Costs

1.15.130 Enforcement

1.15.140 Accounting

1.15.150 Notice Of Hearing On Accounting - Hearing On Accounting

1.15.160 Special Assessment And Lien

1.15.170 Administrative Penalty

1.15.180 Administrative Penalty Procedures

1.15.190 Appeal Of Administrative Penalties

1.15.200 Advance Deposit Hardship Waiver

1.15.210 Amount Of Administrative Penalty

1.15.220 Penalty Amounts For Violations That Are Not Infractions

1.15.230 Payment And Collection

1.15.010 Findings And Purpose

- A. The Board of Supervisors of the County of Glenn determines that the establishment of procedures for the abatement of a nuisance is derived from and is consistent with the provisions of California Government Code section 25845 and is necessary for the public health and welfare of the residents of Glenn County. The procedure for nuisance abatement established in this chapter is

intended to be an alternate procedure for the abatement of any violation of the Glenn County Code or any other public nuisance.

B. The Board of Supervisors of the County of Glenn further determines that:

1. There is a need to establish mechanisms for the remediation of violations of county ordinances.
2. Enforcement of the Glenn County Code through administrative procedures enhances the county's ability to recover its costs, maintain the integrity of the code enforcement system, and improve the county's ability to collect abatement costs, helping to deter future violations.
3. Pursuant to California Government Code section 53069.4, the Board of Supervisors elects to create a system of administrative citations and hearing to ensure prompt and responsive compliance with the Glenn County Code and state law.

1.15.015 DEFINITIONS

When used in this chapter, the following words and phrases have the meaning and usage indicated unless another meaning or usage is required by the context in which the word or phrase is used:

A. "A" Definitions.

1. "Abandoned building" means any building or structure or portion of a building or structure that has been vacated in excess of six (6) months. Lack of utility services and/or boarded windows and doors shall constitute prima facie evidence of the abandonment.

B. "B" Definitions.

1. "Building" means a structure or part thereof.
2. "Building Code" is the current California Building Code ("CBC") as adopted and as modified pursuant to Glenn County Ordinance Code Chapter 15.72.

C. "C" Definitions.

1. "Clerk" means the Board of Supervisors Clerk, or his or her designated representative.
2. "Code" means Glenn County Ordinance Code.
3. "Complaint" means notification by any person, lodged with the Code Enforcement Division of Glenn County, of a violation or a suspected violation of the state and local housing code or this chapter.

D. "D" Definitions.

1. "Demolish" means to destroy a building and to remove all debris and waste on the lot in which the building stood.
2. "Department" means the Planning & Community Development Services Department of Glenn County.
3. "Director" means the Director of Glenn County Planning & Community Development Services Department or his or her designated representatives and agents.
4. "Displaced" means a tenant ordered to move out of a rented dwelling unit or structure by an order to vacate issued by the County.
5. "Dwelling" means any building, structure, or part thereof used or occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto, including those which are rented or leased for any term or duration, type or tenure.

6. " Dwelling unit" means any room or group of rooms located within a dwelling and forming a single unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.
- E. "E" Definitions.
1. "Electrical Code" is the current California Electrical Code as adopted and as modified pursuant to Glenn County Ordinance Code Chapter 15.72.
 2. "Enforcement" means diligent effort to secure compliance or abatement, including review of plans and permit applications, responses to complaints, citations of violations, and other legal process. Except as otherwise provided in this chapter, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and efforts to secure compliance as to such existing buildings.
 3. "Energy Code" means the current California Energy Code as adopted and as modified pursuant to Glenn County Ordinance Code Chapter 15.72.
- F. "F" Definitions.
1. "Fire Code" is the current California Fire Code as adopted and as modified pursuant to Glenn County Ordinance Code Chapter 15.72.
- G. "G" Definitions.
1. "Graffiti" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any real or personal property, as defined in Cal. Gov't Code section 53069.3.
 2. "Green Building Code" is the current California Green Building Standards Code as adopted and as modified pursuant to Glenn County Ordinance Code Chapter 15.72.
- H. "H" Definitions.
1. "Hearing officer" means an active member of the State of California Bar Association appointed by the Board of Supervisors to hear matters as provided for and described in this chapter. The Hearing Officer shall also serve as the housing appeals board as that term is used in the State Housing Law.
 2. "Housing Code" means this chapter and includes all uniform codes adopted by Glenn County Ordinance Code Chapter 15.72.
- I. Reserved.
- J. "J" Definitions.
1. "Junk yard" means any building, equipment, land, lot, place, premises, real property or structure where, at, upon which, to which, or from which is abandoned, bundled, bartered, bought, brought, disassembled, disposed of, exchanged, handled, packed, processed, shipped, sold, stored, or transported any junk, as defined by Cal. Sts. and High. Code section 746, or any castoff, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out, or wrecked object, thing, or material composed in whole or in part of asphalt, brick, carbon, cement, cotton, dirt, fiber, glass, metal, paper, plaster, plaster of paris, plastic, rubber, terra cotta, wool, wood, or other substance, including, but not limited to, used, discarded, or obsolete batteries, clothing, debris, equipment, floor coverings, garbage, logs, lumber, rags, rope, rugs, trash, vegetation, vehicles, or waste. Junk Yard shall not include any business lawfully engaged in the buying or selling of new or used furniture or usable household equipment, or buying and selling of new or used automobiles in operable condition, or the storage or use of used or salvaged materials in connection with manufacturing operation conducted on the premises, provided such businesses are located within a zone permitting such business and conducted in accordance with all applicable regulations.

K. Reserved.

L. "L" Definitions.

1. "Landlord" means an owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any dwelling, or the agent, representative, or successor of any of the foregoing.

M. "M" Definitions.

1. "Mechanical Code" is the current California Mechanical Code as adopted and as amended pursuant to Glenn County Ordinance Code Chapter 15.72.

N. Reserved.

O. "O" Definitions.

1. "Occupant" means any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.
2. "Occupied" means any actions associated with living in or occupying a property including, but not limited to, sleeping, cooking, eating, bathing, or dressing.
3. "Order to vacate" means a written notice served by an authorized County official on the owner and posted on the affected property declaring that, due to failure to repair or maintain, the dwelling shall be vacated.
4. "Owner" means the owner of fee title to a dwelling unit.

P. "P" Definitions.

1. "Parties of interest" means all persons, businesses, partnerships, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit, or who are in possession thereof.
2. "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business entity, or the manager, lessee, agent, servant, officer, trustee, administrator or employee of any of them.
3. "Plumbing Code" is the current California Plumbing Code as adopted and as amended pursuant to Glenn County Ordinance Code Chapter 15.72.
4. "Premises" means any tracts, lots or parcels of land, easements, single-family residences, town homes, condominiums, multiple-family dwelling, apartment, flat, duplex, boarding or lodging home, restaurant, hotel or motel, commercial or industrial establishment of any type, any structure, any parcel of land which a building or business is located, or any unimproved parcel of land.
5. "Property owner" means any person having legal or equitable title or interest in real property, including but not limited to, any bank, mortgage company, financial institution or similar entity or lien holder that has control and dominion over the property.
6. "Program" means the code enforcement plan created under this chapter.
7. "Proof of compliance" means documentation, on such form and in such manner as the Director may provide, that the deficiencies noted in the order or citation issued by the County have been corrected.
8. "Public record" means deeds, mortgages, and other instruments of record relating to land titles and recorded by the Glenn County Clerk-Recorder.

Q. Reserved.

R. "R" Definitions.

1. "Rental dwelling unit" means a dwelling unit rented for any tenure, type or price.
2. "Residential Code" is the current California Residential Code as adopted and as amended pursuant to Glenn County Ordinance Code Chapter 15.72.
3. "Refuse" is all inclusive and means all types of rubbish and garbage including, but is not restricted to, putrescible or non-putrescible solid waste both combustible and noncombustible.

4. "Rubbish" includes all of the following, but is not restricted to non-putrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste, discarded materials or debris, and similar waste materials.
- S. "S" Definitions.
1. "State Housing Law" means Division 13, Part 1.5 of the Cal. Health and Safety Code and Article I of Chapter 1, Title 25 of the California Code of Regulations.
- T. "T" Definitions.
1. "Tenant" means the individual or individuals occupying a rental dwelling unit.
- U. "U" Definitions.
1. "Untenantable rental dwelling unit" means a rental dwelling unit or the common area of the dwelling, structure, or premises in which it is located is the subject of a housing code citation or order pursuant to this chapter and substantially lacks any of the affirmative standard characteristics set forth in Cal. Code Civ. Proc. section 1941.1.
 2. "Utilities" means electrical, sewer, natural gas, and water services provided by the local service provider or provided under other means as approved by finalized permit with the Planning & Community Development Services Department of Glenn County.
 3. "Uniform Housing Code" is the Uniform Housing Code as adopted and as amended pursuant to Glenn County Ordinance Code Chapter 15.72.
- V. "V" Definitions.
1. "Vacate date" means the date by which a tenant is required to vacate a rental dwelling unit, pursuant to an order by an authorized County official.
 2. "Vector" means any animal or insect capable of transmitting the causative agent of disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, rodents and other vertebrates.
- W. "W" Definitions
1. "Weeds" means sagebrush, manzanita, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property; plants and grasses which bear seeds of a downy or wingy nature; plants and grasses that are otherwise noxious; poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health; dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard; cattails, willows, foxtail grass, and other foliage and rank growths which tend to clog and obstruct the flow and drainage of natural drainage channels and ditches; trees with low branches, rank growth and heavy foliage near road and highway intersections which obstruct visibility and thereby create vehicular traffic hazards.
- X. Reserved.
- Y. Reserved.
- Z. Reserved.

1.15.020 PUBLIC NUISANCE VIOLATIONS

- A. Existence of a Nuisance. All dwellings, properties, or any portions thereof, shall be maintained, repaired or reconstructed in accordance with the state and local housing code. Any dwelling, property or portion thereof, which does not meet the standards herein is declared to be a public nuisance and a misdemeanor and shall be abated through correction, repair, reconstruction or demolition in accordance with applicable provisions of this chapter.

- B. Rent or Lease of Substandard Dwelling. It shall be unlawful and a violation of this code for the owner(s) or parties in interest of any dwelling, property, or portion thereof, that is a nuisance to rent or lease, or to offer for rent or lease the substandard dwelling, or any portion thereof.
- C. Failure to Obey Notice and Order. It shall be unlawful and a violation of this code for any owner to fail or refuse to comply with the terms and provisions stated in any notice and order issued under this chapter.
- D. Removing Notice and Order without Inspection. It shall be unlawful and a violation of this code for any individual to remove a notice to vacate attached to the structure of a vacant dwelling unit which is the subject of pending enforcement action under this chapter, until such dwelling unit has been inspected by the County for housing code compliance, and has passed such inspection, and written evidence thereof has been received.
- E. Any residential dwelling shall be considered substandard and uninhabitable should the dwelling not possess an operable connection to all utilities as required by the County. It shall be unlawful for any substandard dwelling as defined here to be occupied until operable utility connection have been established.
- F. Removing Boards. It shall be unlawful and a violation of this code for any person to remove, deface or destroy any boards placed by the Director pursuant to a Glenn County Ordinance without prior written permission of the Director.
- G. Any violation of the Code is a public nuisance and an infraction unless otherwise determined by the code, the District Attorney or the code enforcement officer.

1.15.021 GENERAL PROPERTY NUISANCE

- A. It shall be unlawful and public nuisance for any property owner or any person leasing, occupying, or having possession or control or dominion of any premises in this county to maintain such premises or to permit, suffer or allow such premises to be maintained in such a manner that any one or more of the conditions or activities described in the following divisions are found to exist:
 - 1. Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety, or welfare of the public.
 - 2. Any condition in violation of the uniform codes as adopted and as amended by Glenn County Ordinance Code Chapter 15.72.
 - 3. Any condition in violation of any section or division of the Glenn County Ordinance Code.
 - 4. Any condition in violation of any rule, regulation, standard or other requirement of the air pollution control district in which the county lies.
 - 5. Any condition recognized in law or in equity as constituting a public nuisance, including, but not limited to, Cal. Code Civ. Proc. section 3480, Cal. Penal Code sections 11225-11235, and Cal. Health and Safety Code sections 11570 and 17980.
 - 6. Any condition that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or that unlawfully obstructs the free passage of use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin, or any public park, square or highway.

1.15.022 SPECIFIC PROPERTY NUISANCE

It is unlawful and a public nuisance for any property owner or any person leasing, occupying or having possession, control or dominion of any premises in this county to maintain such premises or to permit, suffer or allow such premises to be maintained in such a manner that any one or more of the conditions or

activities described in the following subsections are found to exist, with such list not intended to be exclusive:

A. Property inadequately maintained, as may be demonstrated by:

1. The keeping, storage, depositing or accumulation of the premises of any personal property, including, but not limited to, abandoned, wrecked, dismantled, discarded, or inoperable equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, solid waste, oil, batteries, rubbish, trash and debris, dirt, sand, gravel, concrete or similar materials that is visible from the public right-of-way, and
 - i. Poses a risk of harm to the public; or
 - ii. Constitutes visual blight or reduces the aesthetic appearance of the neighborhood; or
 - iii. Is offensive to the senses; or
 - iv. Is detrimental to the use and enjoyment of nearby properties; or
 - v. Reduces nearby property values due to the visibility from the public right-of-way.
 - vi. However, wood and building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained may be stored for such period of time as is necessary to expeditiously complete the project not to exceed one year.
2. Premises on which overgrown, dead or decayed trees, weeds over three inches tall, or other vegetation pose a risk of harm to the public, or constitute visual blight or reduce the aesthetic appearance of the neighborhood, or are offensive to the senses, or are detrimental to the use and enjoyment of nearby properties, or reduce nearby property values due to its visibility from the public right-of-way.
3. Any swimming pool, pond or other body of water, which is abandoned, unattended, unfiltered or otherwise not maintained, resulting in the water becoming polluted by excess bacterial growth or by the presence of garbage, refuse, debris, papers or any other foreign matter or material which creates an unhealthy, hazardous or unsafe condition.
4. Maintenance of premises in such a manner that matter, including, but not limited to, smoke, odors, dust, dirt, paint spray, or debris, is permitted to be transported by wind or water or otherwise upon any street, course, alley, sidewalk or other public property or onto neighboring or adjacent properties so as to pose a risk of harm to the public, or to create a condition which is offensive to the senses, or detrimental to the use and enjoyment of nearby properties, or reduces nearby property values.
5. Maintenance of trees in such a manner that there is clearance of seven (7) feet over sidewalks and fourteen (14) feet over the streets.
6. Failure to install or to maintain landscaping required by this code or other requirements of the county. Required landscape maintenance under this section includes, but is not limited to, providing adequate watering to maintain and prevent fire hazards such as dead and dying lawns or other landscaping plantings in all residential districts when any residential lawn or landscaping planting has been installed and is visible from the public right-of-way, except in the event that water rationing measures have been imposed.
7. Storage of solid waste, green waste or recyclable containers, receptacles or bins in front or side yards that are visible from the public right-of-way in excess of 48 hours, unless the Director grants an exception because the layout or configuration of the premises would impose a substantial hardship upon the property owner seeking to comply with this section, with such determination not subject to an appeal.
8. Premises on which any condition poses a potential fire hazard.

9. The placement, use, or maintenance of any clothesline in any front yard area of any premises visible from the public right-of-way.
10. Any vacant or undeveloped lot on which there is an accumulation of trash, rubbish, garbage, or debris:
 - i. Upon written notice to the owner of record, by mail to the last mailing address as listed in the county or county records, that the lot or parcel is the site of illegal dumping or contains trash, rubbish or garbage, the owner shall remove all such trash, rubbish, garbage or debris within the time stated in the notice.
 - ii. Upon two or more violations of this section within a 24-month period, the property owner shall, at the owner's expense, erect a six-foot cyclone fence with posts in the ground, unless some other type of fence is approved by the Director, around the vacant lot or parcel to prevent illegal dumping and/or the unlawful accumulation of trash, rubbish, garbage, or debris and/or unauthorized entry within 30 days of the second Notice and Order.
 - iii. If the property owner, after being given written notice that a fence is required, fails to erect such fence within 30 days of the date of the written notice, the county may apply for an abatement warrant to erect such fence, and upon obtaining the warrant may erect the fence. All costs of obtaining the warrant (including attorneys' fees) and erecting the fence shall, at the county's sole election, be placed on the property as a special assessment lien or collected as a debt against the property owner.
 - iv. It is unlawful for any person or entity to remove, damage, breach or in any way interfere with a fence erected under this section. The property owner shall at all times properly maintain such fence, including repair or replacement, in the event of damage or deterioration.
 - v. The property owner may apply in writing to the Director to remove a fence erected under this section in the event the lot is being developed and all necessary grading or building permits have been obtained. Such permission shall not be withheld if such permits have been issued or if the lot or parcel is no longer vacant.

B. Buildings or structures in a state of disrepair.

1. Any building or other structure, including, but not limited to, walls, fences, breezeways, signs or retaining walls, which are broken, deteriorated, or substantially defaced (including defacement by markings commonly referred to as "graffiti") so that the disrepair poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values due to its visibility from the public right-of-way.
2. Any building or structure having dry rot, warping or termite infestation or any building or structure on which the condition of the exterior finish has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation so that the disrepair poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values.

C. Abandoned, unsecured or partially constructed buildings.

1. Any vacant building, structure or other property that is unlocked or unsecured or has broken or missing doors or windows or other unsecured openings allowing unauthorized access by trespassers, or constituting a potential attraction to children or a harbor for

vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort to committing nuisance or other criminal activities:

- i. Except as provided below in subsection (ii), no building or structure shall be left in a boarded up and/or vacant condition in excess of six months unless a valid building permit has been issued and work under that permit is taking place to facilitate reoccupation of the building or to demolish it. In any event, the vacant structure must be maintained in compliance with this code to prevent a blighted appearance of the premises.
 - ii. The Board of Supervisors hereby finds that economic conditions can reasonably cause commercial building to remain vacant in excess of six months. However, the vacant commercial structure shall be maintained in such a manner so as to not create a public nuisance. This shall include, but is not limited to, maintaining the exterior of the structure in good repair, maintaining the landscaping, keeping the property in compliance with subsection (i) above. Due to the demand for housing, the Board of Supervisors finds that there generally is not a similar real estate justification for residential dwellings to remain vacant in excess of six months.
2. Any building or structure permitted to remain in a state of partial construction, reconstruction or demolition, whether the partial demolition is due to manmade or natural causes such as fire, so that it poses a risk of harm to the public, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood, or is offensive to the senses, or is detrimental to the use and enjoyment of nearby properties, or reduces nearby property values.
 - i. No partially constructed, reconstructed or demolished structure shall be considered in a state of partial construction if there exists a valid and current building or demolition permit and substantial work has been done pursuant to such permit within the immediately preceding 180 days.
 - ii. No building permit shall be extended or renewed beyond one year of the date of the issuance of the original permit, unless the Building Official has made a good cause determination that additional time is necessary due to the scope of the construction and the delay is due to circumstances beyond the control of the owner or contractor, not including financial considerations. In no event shall any structure be permitted to remain in a partial state of construction in excess of two years.

D. Parking and Storage of vehicles and equipment

1. Any outdoor parking or storage of an inoperable, wrecked, dismantled, salvaged, abandoned vehicles, or parts thereof, including watercraft so that it is within the view of the public right-of-way:
 - i. Any vehicle that is not currently registered with the California Department of Motor Vehicles to operate legally on a public street is deemed inoperable for purposes of this section.
 - ii. Lawfully operating junk yards are exempt from this section provided such businesses are located within a zone permitting such business and conducted in accordance with all regulations applicable thereto.
2. Storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for Rural Residential Estate (RE), Single-Family Residential (R-1), Multiple Residential (R-M), Mixed-Use Residential (MU-R) uses so that it is within the view from the public right-of-way except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.

E. Hazardous and attractive nuisances

1. Any building, object or condition, whether natural or man-made, which due to its accessibility to the public or potential attraction to children poses a hazard, including, but not limited to, abandoned, unsecured, unused or neglected motor vehicles, machinery, appliances or equipment, abandoned or unprotected wells, shafts, foundations, or basements, hazardous or unprotected pools, ponds, construction sites, or excavations, and stored chemicals, gas, oil, or toxic or flammable substances.
2. Erosion, subsidence, or surface water drainage problems which are hazardous or injurious to the public or to adjacent properties whether caused by grading operations, excavations or fill or as a result of the topography, geology or configuration of the land in its natural state.
3. Any unlawful storage or release of hazardous materials or wastes.

F. Control of vectors including insects and rodents

1. Any artificial alteration of premises, excluding water, from its natural condition, resulting in it supporting the development, attraction, or harborage of vectors, with the presence of vectors in their developmental stages on premises being presumed evidence that the premises is a public nuisance.
2. Any water that is a breeding place for vectors, with the presence of vectors in their developmental stages in the water being prima facie evidence that the water is a public nuisance.
3. Any activity or condition that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread vectors.

G. Paint, paintings or signs. Any condition or maintenance of property in a manner that is unreasonably offensive to the senses or that substantially detracts from the aesthetic or economic values of neighboring properties, including but not limited to, painting in a vulgar manner or obscene paintings or signs.

1.15.030 SCOPE OF CHAPTER

- A. A public nuisance may be abated by the enforcement officer and his or her county department in accordance with the procedures provided in this chapter.
- B. The procedures set forth in this chapter are not exclusive, but cumulative to all other civil and criminal remedies provided by this code or otherwise provided by law. The pursuit of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter.
- C. Nothing in this chapter shall be construed as imposing on the enforcement officer or the county any duty to take any action with regard to a nuisance, and neither the enforcement officer nor the county shall be held liable for failure to declare a public nuisance, or for failure to take any other action whatsoever with regard to a public nuisance.
- D. Nothing in this section shall be construed to limit or restrict the ability of any other entity with enforcement authority, such as the local police department, sheriff or fire departments, to perform their duties.

1.15.040 ENFORCEMENT OFFICER

For purposes of this chapter, "enforcement officer" shall mean the county official or employee, or designee, including but not limited to those set forth in Title 1, Chapter 1.16 of this Code, charged with the administration, regulation, or enforcement of the conduct or condition falling within the definition of a public nuisance set forth in Section 1.15.020 of this chapter.

1.15.050 ABATEMENT OF PUBLIC NUISANCES

Every violation of any regulatory or prohibitory provision of this code is expressly declared to be a public nuisance. Any condition on public or private property located within the unincorporated areas of the county of Glenn that constitutes a public nuisance under this chapter may be abated consistent with the procedures provided for in this chapter, or in any other manner provided by this code or other applicable law.

1.15.060 NON-EXCLUSIVE REMEDIES AND PENALTIES

All remedies and penalties for the abatement of public nuisances provided for in this chapter shall be cumulative and not exclusive. Enforcement by use of any administrative, criminal or civil action, citation or administrative proceeding or abatement remedy does not preclude the use of additional citations or other remedies as authorized by this code, other ordinance, or law. Enforcement remedies may be employed concurrently or consecutively. Conviction and punishment of, or enforcement against, any person hereunder shall not relieve such person from the responsibility of correcting, removing or abating a violation, nor prevent the enforced correction, removal or abatement thereof. Consistent with Glenn County Code section 1.12.010, each day, or any portion thereof, during which any violation of any provision of the Glenn County Code is committed, continued, or permitted by such person, shall be deemed a separate and distinct offense.

1.15.070 AUTHORITY TO INSPECT

Upon the consent of the owner, lawful occupant, or their respective agent, enforcement officers are authorized to enter any real or personal property or premises within the unincorporated area of the county to investigate and ascertain whether the property or premises is in compliance with county ordinances and the Glenn County Code, and to make any inspection as may be necessary in the performance of their enforcement duties as permitted by law. These investigation activities may include visual inspections, taking of photographs, taking samples or other physical evidence, and the making of video and/or audio recordings. All inspections performed by the enforcement officers are subject to inspection fees, as set forth in Glenn County Master Fee Schedule. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant or the respective agent thereof refuses permission to enter and/or inspect, the enforcement officer may apply, pursuant to the procedures provided by California Code of Civil Procedure section 1822.50 et seq., as may be amended, to a court of competent jurisdiction for an inspection warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains. All costs incurred by the county in seeking and obtaining an administrative inspection warrant shall be recoverable as abatement costs.

1.15.080 SUMMARY ABATEMENT

Pursuant to Government Code section 25845, subdivision (a), as may be amended, the enforcement officer is authorized to summarily abate public nuisances determined by the officer to constitute an immediate

threat to public health or safety. If an enforcement officer summarily abates a public nuisance, he or she may keep an account of the abatement costs and pursue cost recovery pursuant to this chapter. In cases of summary abatement, however, at the hearing to confirm the abatement costs, the administrative hearing officer shall also determine whether a public nuisance existed. If no public nuisance is found to have existed, the county shall not recover costs, and there shall be no hearing on costs in that instance.

1.15.090 ADMINISTRATIVE CITATION AND CONTENTS OF CITATION

After a public nuisance is discovered, the enforcement officer is authorized to initiate an administrative abatement proceeding by issuing an Administrative Citation. An Administrative Citation shall be issued to the property owner, and anyone known to be in possession of the parcel, describing the nuisance and ordering the abatement of the violation(s). The citation shall be in writing and shall:

- A. Identify the owner(s) of the property upon which the nuisance exists, as named in the most current records of the county assessor or county recorder, and identify any other responsible party, if other than the owner(s), and if known or reasonably identifiable.
- B. Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property, as well as zip code. Or, identify such property by reference to the assessor's parcel number if a commonly used street address is unavailable.
- C. State that a violation exists on the property and that it has been determined by the enforcement officer to be a public nuisance described in this chapter.
- D. Describe the violation that exists and the actions required to abate it.
- E. State the date of service and also whether service was administered by personal service or posting the notice and mailing a copy to the property owner by certified mail.
- F. State that the owner or occupant may, within ten calendar (10) days after the date that said notice was served, make a request in writing to the clerk of the Board of Supervisors for a hearing before the administrative hearing officer to appeal the determination of the enforcement officer that the conditions existing constitute a public nuisance described by this chapter, or to show other cause why those conditions should not be abated in accordance with the provisions of this chapter.
- G. State that, unless the owner or occupant abates the violation, or requests a hearing before the administrative hearing officer, within the time prescribed in the notice, the enforcement officer will abate the nuisance. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the county assessment roll and become a lien on the real property, be placed on the unsecured tax roll, or may be collected as a judgment against the responsible party.
- H. State that the administrative citation may be sent to any person or entity identified in public records as claiming a property interest or lien on the property, including, but not limited to, financial institutions.
- I. State the amount of the administrative penalty (if any) imposed by the enforcement officer pursuant to this chapter, and that the amount may continue to accrue.
- J. If sought by the notice, state how, where, to whom, and within what number of days the administrative penalty must be paid.
- K. State that administrative penalty fines will accrue from the date of the Notice of Violation until the time the violation is corrected for a maximum of 90 calendar days at such point the fine will become final.
- L. If sought by the notice, state that the administrative penalty will be effective if the violation is not corrected within ten (10) calendar days after service of the notice and stating the effective date.
- M. Generally state appellate or hearing rights.
- N. Refer the recipient to this chapter for further information.

- O. Be signed by the enforcement officer issuing the citation.

1.15.100 SERVICE OF NOTICE OF VIOLATION

- A. The notice of violation set forth in Section 1.15.090 shall be served by delivering it personally to the owner and to anyone known to be in possession of the parcel, or by posting the notice in a prominent and conspicuous location at the parcel along with mailing it by certified United States mail, together with a certificate of mailing, to the occupant of the property at the address thereof, and to any non-occupying owner at his or her address as it appears on the last equalized assessment roll, except that:
 - 1. If the records of the county assessor or county recorder show that the ownership has changed since the last equalized assessment roll was completed, the citation shall also be mailed to the new owner at his or her address as it appears in said records; or
 - 2. In the event that, after reasonable effort, the enforcement officer is unable to serve the citation as set above, service shall be accomplished by posting a copy of the citation on the real property upon which the nuisance exists as follows: copies of the citation shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two copies of the citation be posted on a property pursuant to this section.
- B. The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable.

1.15.110 ADMINISTRATIVE APPEAL AND DELEGATION

- A. Any person upon whom an Administrative Citation has been served may appeal the determination of the enforcement officer. Any such administrative appeal shall be commenced by filing a written request within ten (10) calendar days after service of said citation with the clerk of the Board of Supervisors for a hearing. If the tenth (10th) day falls on a county holiday or weekend, the time to request the hearing shall be extended to the next day that is not a holiday or weekend. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this section, the findings of the enforcement officer contained in the notice shall become final and conclusive on the eleventh (11th) day following service of the notice.
- B. In his or her discretion, the enforcement officer may, within ten (10) days after the notice was served, request a hearing before the administrative hearing officer to determine whether or not the conditions should be abated in accordance with the provisions of this chapter.
- C. Upon timely receipt of a written request for hearing which complies with the requirements of this section, the clerk of the Board of Supervisors shall set a hearing date not less than seven business days nor more than twenty-one (21) business days from the date the request was filed. The clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the notice was served, and to the enforcement officer. The time in which to set a hearing can be extended upon the agreement of the Director and the person(s) served with the Administrative Citation. A failure to set a hearing date within this time period is not jurisdictional.
- D. Unless jurisdiction over a specific incidence of nuisance is exercised by the Board of Supervisors at a meeting of the Board of Supervisors, the abatement hearings required by this chapter and California Government Code section 25845, to be heard by the Board of Supervisors are hereby delegated to an administrative hearing officer established by Chapter 2.28 of the Glenn County Code.

1. Pursuant to California Government Code section 25845, subdivision (i), the administrative hearing officer shall preside over the hearing and decide evidentiary issues and any requests for delays.
 2. The administrative hearing officer shall not determine the legality of this chapter or legality of the enforcement procedures used. The administrative hearing officer shall determine if the enforcement officer's decision conforms to this chapter and is supported by a preponderance of the evidence presented by the enforcement officer or his or her department. The hearing shall be recorded. The record and evidence shall be preserved for three years.
 3. If requested by the administrative hearing officer, the County Counsel shall appoint a deputy county counsel to impartially advise the administrative hearing officer. He or she shall not have been involved in assisting the enforcement officer, or the enforcement officer's department, on the enforcement action at issue.
 4. Any hearing conducted pursuant to this chapter need not be conducted according to technical rules of evidence. Any relevant sworn evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The administrative hearing officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time or undue prejudice to either party.
 5. The written findings and orders of the administrative hearing officer shall be served upon the Board of Supervisors, and the owner and occupants of the property, within fifteen (15) days of the conclusion of the hearing. No specific form is required for the findings and recommendations, which need only be generally stated. Written notice of the administrative hearing officer's findings and orders shall be mailed to the owner and the occupants of the property at the last known addresses of the property owner(s). If jurisdiction over a specific incidence of nuisance is not exercised by the Board of Supervisors at a meeting of the Board of Supervisors, the decision of the hearing officer is final.
- E. If jurisdiction over a specific incident of nuisance is exercised, the decision of the Board of Supervisors, which shall be by resolution, shall be final and conclusive.
- F. A failure to appeal the enforcement officer's determination that a public nuisance exists will constitute a failure to exhaust administrative remedies by the responsible person(s), unless the enforcement officer proceeds in accordance with subsection B of this section.

1.15.120 LIABILITY FOR COSTS

- A. In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the violation to exist shall be liable for all actual costs incurred by the county, including, but not limited to, actual administrative costs, and any and all actual costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter.
- B. In any action by the enforcement officer to abate the violation under this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorneys' fees incurred. Recovery of attorneys' fees under this subsection shall be limited to those actions or proceedings in which the county elects, at

the initiation of that 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 county in the action or proceeding.

1.15.130 ENFORCEMENT

- A. If the owner or responsible party has not abated the violations pursuant to the Administrative Citation and has not filed an appeal within the time prescribed, the enforcement officer, or authorized designee, may cause to be done whatever work is necessary to abate the public nuisance. If necessary, the enforcement officer, or authorized designee, may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of inspecting the property to determine if the nuisance remains and also for undertaking the work to abate the nuisance if the nuisance has not already been abated.
- B. As an alternative to the administrative procedures set forth in this chapter, the county may abate the violation of this chapter by the prosecution of a civil action through the office of the county counsel, or through other counsel permitted by law, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of a violation of this chapter or requiring compliance with other terms.

1.15.140 ACCOUNTING

The enforcement officer shall keep an account in a written report of the cost for each abatement carried out, itemized by parcel showing the cost of abatement and the actual administrative costs for each parcel.

1.15.150 NOTICE OF HEARING ON ACCOUNTING - HEARING ON ACCOUNTING

- A. The enforcement officer shall send a notice summarizing the costs of abatement and associated administrative costs to the owner and/or responsible party by certified mail. The date of service is deemed to be the date of deposit in the mail. The notice shall inform the property owner that in order to object to the costs, the property owner or responsible party must file a written request within ten (10) calendar days after service of said notice with the clerk of the Board of Supervisors for a hearing. If the tenth (10th) day falls on a county holiday or weekend, the time to request the hearing shall be extended to the next day that is not a holiday or weekend. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed written request that complies fully with the requirements of this section, the property owner will be liable for the cost of abatement and cost of administration. Payment will constitute a waiver of all challenges to the costs so charged.
- B. Upon receipt of a timely filed request for hearing, the clerk of the Board of Supervisors shall send notice of the date and time of the hearing to the property owner and/or responsible party. The hearing shall be held on not less than ten (10) days' notice to the owner, which shall be made in the same manner as the notice provided in subdivision A of this section. At the time fixed, the administrative hearing officer shall meet to review the accounting of the enforcement officer. An owner or responsible party may appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance upon the land of the owner is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed

to ensure only the actual costs are charged. The director of finance may provide a report certifying the accuracy of administrative costs.

- C. At the hearing, the report of the enforcement officer shall be admitted into evidence. The owner shall bear the burden of proving that the accounting is not accurate and reasonable.
- D. The administrative hearing officer shall make such modifications in the accounting as he/she deems necessary and appropriate and thereafter shall confirm his/her decision by resolution. The decision of the administrative hearing officer shall be final. Notice of the administrative hearing officer's decision shall be served by certified or registered mail on the affected persons. Payment will be due immediately.

1.15.160 SPECIAL ASSESSMENT AND LIEN

The Board of Supervisors may order that the cost of abating nuisances, including administrative costs, be placed upon the county tax roll by the director of finance as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to California Government Code Section 25845; provided, however, that the cost of abatement and the cost of administration as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The Board of Supervisors may also cause notices of an abatement lien to be recorded against the respective parcels of real property pursuant to Section 25845 of the Government Code.

1.15.170 ADMINISTRATIVE PENALTY

Pursuant to Government Code Section 53069.4, the Board of Supervisors elects to create a system of administrative citations and hearings to ensure prompt and responsive compliance with the Glenn County Code and state law.

- A. Any party violating any county ordinance or section of the Glenn County Code may be issued an Administrative Citation by an enforcement officer or the Board of Supervisors in accordance with the provisions of this chapter.
- B. Each and every day a violation of the provisions of the code exists constitutes a separate and distinct offense and shall result in penalties.
- C. The enforcement officer may issue a notice of penalties for a violation not committed in the enforcement officer's presence, if the enforcement officer has determined through investigation that the responsible party did commit or is otherwise responsible for the violation.

1.15.180 ADMINISTRATIVE PENALTY PROCEDURES

- A. Notice of administrative penalties shall be issued and served as set forth in Sections 1.15.090 and 1.15.100 of this chapter. The notice may be combined with the Administrative Citation described in Section 1.15.090, or separately, in the discretion of the enforcement officer.
- B. Failure of the enforcement officer to effect actual service on any responsible party as required in this section shall not invalidate any provisions of this chapter, nor shall it relieve any responsible party from any duty or obligation required by this code.
- C. Failure of any responsible party to receive such notice of administrative penalties shall not affect the validity of any proceedings taken under this section against any other responsible party. Service by first class mail postage prepaid in the manner provided in this section shall be effective on the date of mailing.

1.15.190 APPEAL OF ADMINISTRATIVE PENALTIES

- A. A responsible party disputing the issuance of an administrative penalty may contest the administrative penalties by filing a written request within ten (10) days after service of the Administrative Citation or notice of administrative penalties with the clerk of the Board of Supervisors for a hearing. If the tenth (10th) day falls on a county holiday or weekend, the request must be filed by the next day that is not a holiday or weekend. The person requesting a hearing must, concurrent with the request, advance deposit of the full amount of the penalty. Any administrative penalty that has been deposited shall be refunded if it is determined, after a hearing, that the person or entity charged with the violation was not responsible for the violation or that there was no violation as charged in the notice of administrative penalties. The time requirement for filing a request for hearing form shall be deemed jurisdictional and may not be waived.
- B. The appeal will be heard by the administrative hearing officer established by Section 1.15.110 of this chapter in accordance with the procedural rules set forth in that section. The administrative hearing officer shall not determine the legality of this chapter or legality of the enforcement procedures used. It shall determine if the enforcement officer's decision conforms to this chapter and is supported by a preponderance of the evidence presented by the enforcement officer or his or her department and whether or not the penalty is merited and consistent with the intent of this chapter.
- C. The appeal may be heard separately or concurrently with any other hearing held by the administrative hearing officer authorized under this chapter.
- D. If appealed to the administrative hearing officer, the decision of the administrative hearing officer shall be final. Notice of the administrative hearing officer's final decision shall be served by certified or registered mail on the affected persons. Payment will be due immediately.

1.15.200 ADVANCE DEPOSIT HARDSHIP WAIVER

- A. Any person who intends to request a hearing under Section 1.15.190 and is financially unable to make the advance deposit as required in that section may file a request for an advance deposit hardship waiver.
- B. The request shall be filed with the head of the department issuing the administrative penalty notice concurrent with the request for hearing.
- C. The requirement of depositing the full amount of the administrative penalties as described in Section 1.15.190 shall be stayed unless and until the head of the enforcing department makes a determination not to issue the advance deposit hardship waiver.
- D. The head of the enforcing department, or designee, may waive the requirement of an advance deposit and issue the waiver only if the person receiving the administrative penalty notice submits to the head of the enforcing department a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the head of the enforcing department, or designee of the person's actual financial inability to deposit with the county the full amount of the penalty in advance of the hearing.
- E. If the head of the enforcing department determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the county within ten (10) days of the date of the decision.
- F. The head of the enforcing department, or designee, shall issue a written decision generally explaining the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written decision shall be final.
- G. The written decision of the head of the enforcing department shall be mailed to the person who applied for the advance deposit hardship waiver at the address provided in the application.

1.15.210 AMOUNT OF ADMINISTRATIVE PENALTY

- A. Administrative penalties where the violation would otherwise be an infraction shall not exceed the maximum fine or penalty amounts for infractions set forth in Government Code section 25132.
- B. Unless otherwise specified, the administrative penalty shall be due immediately.
- C. Where the administrative penalty notice is issued for a continuing violation, unless the violation creates an immediate danger to health or safety, the responsible party shall be provided with an opportunity to correct the violation prior to the imposition of the administrative penalty in accordance with the following:
 - 1. If a responsible party fails to correct any violation within thirty (30) days after the notice of administrative penalties is served under Section 1.15.180, the administrative penalty established by the administrative penalty notice shall become effective and due immediately.
 - 2. The administrative penalty, or any portion thereof, for a first-time violation which has become effective following the thirty (30) day corrective period may be waived by the enforcement officer in his or her sole discretion only if the responsible party corrects the violation in accordance with all conditions established by the enforcement officer.
- D. Neither imposition nor payment of an administrative penalty shall relieve the responsible party from his or her obligation to correct the violation, nor shall it bar further enforcement action by the enforcement officer.

1.15.220 PENALTY AMOUNTS FOR VIOLATIONS THAT ARE NOT INFRACTIONS

- A. For violations that are not otherwise infractions, the enforcement officer may set the administrative penalty within the limits set forth in, Government Code section 25132 or may request a hearing before the Board of Supervisors to consider imposing an administrative penalty that exceeds the limits set forth in Government Code Section 25132.
- B. The notice shall state the date, time and place of the hearing, which in no event shall be sooner than ten (10) days from the date of mailing and posting such notice unless mutually agreed to by the property owner or responsible party and the enforcement officer, the specific violations, conditions, or uses which constitute the code violation on which the penalty is based.
- C. The failure of any property owner or responsible party to receive any notice required to be given or posted pursuant to the provisions of this chapter shall not affect in any manner the validity of any proceedings taken hereunder.
- D. At the time fixed in the notice, the Board of Supervisors shall proceed to hear testimony from any interested person regarding the specified violation, condition or use deemed by the enforcement officer to be the basis for the proposed administrative penalty, and any other matter which the Board of Supervisors may deem pertinent thereto.
- E. Upon the conclusion of the hearing, the Board of Supervisors will make a determination based on the evidence presented at the hearing. The Board of Supervisors may, with or without modification, adopt the administrative penalty set by the enforcement officer, which shall thereafter be collected pursuant to this chapter.
- F. The decision of the Board of Supervisors shall be final and the administrative penalty payable immediately.

1.15.230 PAYMENT AND COLLECTION

- A. In the event the responsible party fails to pay the administrative penalty when due, the county may take any actions permitted by law to collect the unpaid penalty.

- B. The county may withhold issuance of licenses, permits and other entitlement for any property whenever an administrative penalty resulting from a code violation on that property remains unpaid or the owner of the property has outstanding, unpaid administrative penalties for violations of the code.

Section 2: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions of this ordinance.

Section 3: This ordinance shall take effect thirty (30) days after the date of final passage and, together with the names of the members of the Board of Supervisors voting for and against the ordinance, shall be published a newspaper of general circulation, at least once before the expiration of fifteen (15) days from the date of passage.

THIS ORDINANCE WAS PASSED AND ADOPTED by the Board of Supervisors of the County of Glenn at a regular meeting thereof held on December 23, 2025, by the following vote:

AYES: Supervisors Arendt, Carmon, Withrow, Yoder and Rossman (Chairman)

NOES: None

ABSENT OR ABSTAIN: None

COUNTY OF GLENN



MONICA ROSSMAN, Chairman
County of Glenn, California

ATTEST:



SCOTT H. DE MOSS, Clerk of the Board
County of Glenn, California