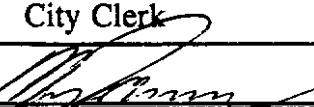




POLICY AND PROCEDURE

SCANNED

Subject: Nuisance Abatement Hearing Process	Index: Land Use Number: 302-1
Effective Date: 8/92	Prepared By: City Clerk
Supersedes:	Approved By: 

1.0 **PURPOSE:**

The purpose of this policy is to establish guidelines for the abatement of nuisances set forth in Sections 15B and 16A of the Code of the City of San Clemente.

2.0 **ORGANIZATIONS AFFECTED:**

All City Departments with Code Enforcement Responsibilities.

3.0 **REFERENCES:**

Sections 15B and 16A - Code of the City of San Clemente (SCMC).

4.0 **ABATEMENT PROCEDURE:**

4.1 The Code Enforcement Officer is to submit a request for a "Nuisance Abatement Action" form to the Building Official for review and submittal to the Community Development Director. The request form is to include attachments which reflect the background, correspondence and all materials reflecting the efforts of the Code Enforcement Officer to abate the nuisance.

4.2 Upon determination by the Community Development Director that the request for Nuisance Abatement Action is valid, the Community Development Director is to request that the City Manager designate a Nuisance Abatement Hearing Officer.

4.3 **Nuisance Abatement Hearing:**

4.3.1 The City Manager shall designate a Hearing Officer for each nuisance to be abated, on a case-by-case basis.

4.3.2 **Hearing Notice** - The City Clerk will set the date for public hearing and provide written notice of the date, time, and location of the hearing to all owners of the

property who are listed on the latest equalized assessment roll, pursuant to CMC 16A-6. Notices of the hearing are to be mailed to the property owners a minimum of 20 days prior to the hearing date. A copy of the notice will be mailed to the occupant of the property, if different from the address of the owner.

- 4.3.3 Hearing Location - Nuisance Abatement Hearings are to be conducted in the City Council Chambers.
- 4.3.4 Hearing - At the time stated in the public hearing notice, the Nuisance Abatement Hearing Officer shall hear and consider all relevant evidence, objections, or protests, and shall receive testimony from the property owner(s), witnesses, city personnel and other interested persons relative to the alleged public nuisance and the proposed abatement of the alleged public nuisance. The hearing may be continued from time to time.
- 4.3.5 Determination of Hearing Officer - Upon conclusion of the hearing, the Nuisance Abatement Hearings Officer shall either (a) terminate the proceedings by concluding that no nuisance exists; or (b) order the abatement of the public nuisance by having the premises, buildings, or structures rehabilitated, repaired, or demolished as set forth in the written abatement order.
- 4.3.6 Abatement Order - The written order of the Nuisance Abatement Hearing Officer is to be served upon the property owners pursuant to the procedures set forth in SCMC 16A-6, and shall contain a detailed list of the needed corrections and abatement methods. The order shall also establish a time period (the abatement period) within which the property owner is to accomplish the abatement. The property owner has the right to abate the nuisance as required by the written abatement order prior to the expiration of the abatement period established in the written order. Abatement in full by the owner and approved by the Code Enforcement Officer, will terminate the proceedings.
- 4.3.7 Abatement by City - If the property owner does not completely abate the nuisance as required in the written order within the abatement period, the City Manager shall be authorized to cause the nuisance to be abated by City staff or private contract. The City Manager is authorized to pursue any and all legal means necessary to enter upon the premises to abate the nuisance. The City Manager shall keep an account of the cost of abating the nuisance and is authorized to pursue reimbursement of the costs to abate the nuisance pursuant to Sections 16A-11 through 16A-15 of the Code of the City of San Clemente.