Agenda # 8. IV

City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager

DATE: March 14, 2016

SUBJECT: Code Assistance / Compliance & Enforcement

RECOMMENDED ACTION:
It is respectfully recommended that the City Council hear a presentation by staff, conduct a discussion of issues and concerns regarding the Code Assistance / Compliance & Enforcement Program and provide possible direction to Staff.

The purpose of this report is to begin a conversation with the City Council, the Community and the City Staff on how to *Move Farmersville Forward*, and improve curb appeal, desirability, safety, contribute to property value increases, stem blight, and improve neighborhood livability with clear and definite strategies, tools and resources as identified, prioritized and supported by the City Council and Community.

BACKGROUND
The Code Assistance / Compliance & Enforcement Program has been managed by the City for many years. Currently, one staff person from the Police Department is assigned approximately half-time to the Code Assistance / Compliance & Enforcement Program and the other half to perform Animal Control Program functions. Depending on circumstances on any given day, one program or the other may consume more than the 50% share of time allotted to each function thereby detracting from the already inadequate half-time allocation to one program or the other.

Typically, Code Assistance / Compliance & Enforcement Program cases include the following:

- Trash and debris accumulation
- Unpermitted construction
- Unsafe buildings and Graffiti
- Overgrown vegetation / weeds
- Marijuana cultivation
- Hording
- Illegal dumping
- Illegal signs / Sign proliferation
- Vehicles abandoned, inoperable, dismantled, or parked on unimproved surfaces
- Illegal carports covers
- Businesses without permits or licenses
- Unsanitary living conditions
- Suspected child and elderly endangerment

Animal Control duties typically include:

- Loose, roaming animals,
- Dangerous or vicious animals,
- Injured, dead or diseased animals,

- Prohibited animals (swine, roosters, etc.) within City limits, and
- Response to reports of suspected animal cruelty.

DISCUSSION:
Prior to the dissolution of The Farmersville Redevelopment Agency (RDA) in 2011, the RDA funded a full-time Code Assistance / Compliance & Enforcement Program officer who served in the community as a component of the RDA's blight reduction strategy.

Since that time, nearly five years, Farmersville has required one person to do two jobs with very different functions, challenges and constraints. But this person does not act alone in that all City employees are required to bring to attention unsafe, undesirable, unsanitary conditions, obvious violations of city codes and ordinances, or conditions that create, contribute to or sustain blight or blighting conditions. Likewise, employees form other City Departments, including: Public Works, Police, Fire, Planning and Administration, are often directly engaged in the effort to abate or mitigate unacceptable or unsafe conditions in addition to outside (paid) contractors and vendors.

With an aged housing stock, vacant and abandoned properties and buildings, low household incomes for maintenance and improvements and rental property controlled by absentee, out of town landlords, property condition and care is a serious and growing concern.

The Great Recession, job loss, foreclosure of once owner-occupant households, and a further increase in absentee, out of town landlords resulting from investors buying distressed property has only added to the worsening conditions citywide.

Attachment 1 to this report provides additional background and context to this issue and also provides a list of typical Code Assistance / Compliance & Enforcement Program cases and calls for service as well as call for Animal Control Services.

COORDINATION & REVIEW:
The recommended action has been coordinated with all City Departments and the City Attorney.

ALTERNATIVES:
None proposed at this time.

FISCAL IMPACT:
Discussion only at this time: Direction to Staff may result in a fiscal impact which will need to be quantified and analyzed by Staff and then presented to City Council in future.

CONCLUSION:
It is respectfully recommended that the City Council hear a presentation by staff, conduct a discussion of issues and concerns regarding the Code Assistance / Compliance & Enforcement Program and provide possible direction to Staff.

Attachment(s): 1 - Code Assistance / Compliance & Enforcement Program Materials

Prepared and Submitted By:

John Jansons, City Manager

and

Mario Krstic, Chief of Police

Overview Report on Code Assistance, Compliance and Enforcement

The City of Farmersville Municipal Code covers a wide range of topics related to the core functions of the City and the activities of its residents, businesses, and visitors. Some of the areas covered are zoning and land use issues, building standards, public peace morals and welfare, animals, health and safety, vehicles and traffic, and streets sidewalks and roads. As with all cities, compliance with all of the rules and regulations is not a given and as a result of this the City taking on the role of Code Enforcement is necessary. The City of Farmersville has actively worked on code compliance throughout its history but this has been done to varying degrees based on available resources. Due to the economic downturn and the loss of the Redevelopment Agency the City was forced to lay off its full time Code Enforcement Officer as a result of a loss of funding for the position. This significant reduction in funding for the position has resulted in its existing in its current form.

The following outline will review the current status, describe the typical process for addressing code issues, current challenges, and possible solutions for those challenges.

Current Status of Code Enforcement:

I. The Farmersville Code Enforcement (C/E) Department consists of one Full Time Employee (FTE) that shares his time between C/E, Animal Control (A/C), and some Planning functions.

II. Violations are handled as reported by community members and as a result of violations observed by staff from each of the City departments.

   A. Issues are prioritized based on whether they are related to health and safety, blight conditions, violations of various city ordinances related to residential and commercial conditions, or violations of Conditional Use Permits (CUP).

III. C/E works closely with each City Department depending on the type of violation or the condition of concern.

   A. This includes work with our contract staff such as planning and engineering.

IV. Tracking of cases is done by hand and there is no automated system in place for this purpose.

The typical process for a code enforcement violation:

I. A Violation is observed or is reported to the C/E officer by other staff or by a citizen. Depending on the type of violation the following actions may occur.

A. For example, if the violations were a vehicle parked on an unimproved surface as listed in our Maintenance of Property Ordinance (attached).

   a. The first step would be to attempt to contact the owner of the property and obtain compliance via a verbal warning and educating the property owner about the applicable ordinances.

   b. If the party failed to bring the vehicle into compliance a notice of violation would be issued and the subject would have 14 days to correct the violation.

   c. If the violation was not corrected by this time fines would be issued for each day after that the violation continued until it was corrected.

      i. If the violation still persisted staff would then seek a court order allowing the City to abate the issue by removal of the vehicle.

   d. If the violation were a life safety issue such as a residence that was unsafe to occupy due to building code violations (electrical, plumbing, structural).

      i. The occupants would be notified that the structure was unsafe to occupy and they would be directed to leave the residence. (staff would to the extent possible attempt to ensure that the occupants had alternate accommodations available to them)

      ii. The building would be "Red Tagged" as unsafe to occupy with postings at each point of entry.

      iii. A notice of violation would be sent to the property owner detailing each of the unsafe conditions and they would be directed to contact the Code Enforcement Officer in order to discuss the violations and the unsafe conditions.

      iv. They would be provided up to thirty days to make necessary changes to come into compliance. (Generally if a good faith effort was being made additional time may be granted to come into compliance)

      v. If the owner failed to comply staff would seek court action in order to compel the owner to comply and if they did not the city could then take steps to abate the violations.

vi. Cost could be recovered via court order, placing liens on the property, or direct billing to the owner.

e. The responsible party for the offending properties are generally given an opportunity to abate the condition.

f. Some code violations have specific procedures required as set by the ordinance and if this is the case those procedures are followed.

g. If the party still fails to abate the condition, there are, as described above, a few options that can be taken.

i. Administrative fines to the responsible party with the fines increase progressively until the condition is abated.
ii. Taking the responsible party to court and get a court order directing the party to abate the condition and if the party fails to abate then the order can be drafted in such a way that the City could then go in and abate with either City staff or contracted labor.

iii. Once this has taken place the City can move to recover its costs by placing a lien on the property or by billing the party directly.

iv. When a lien is placed no recovery of the funds typically takes place until the property changes hands and the lien is satisfied during the escrow process. This can, in some cases, take many years.

II. Another method that can be used if the party is unresponsive and fails to abate is to ask the court to appoint a receiver for the property and they will then make the required improvements to the condition of the property and then sell it in order to recover the costs.

A. This is typically only a viable option if there is a great deal of equity in the property or it is owned outright with no loans or liens.

III. Each of these methods is extremely time consuming and extremely costly requiring a great deal of work by staff and the City Attorney.

What are the Challenges?

I. Seeking voluntary compliance is and should always be the first option in the process of code compliance however this does not always work.

A. Educating the residents and business owners in the applicable municipal codes and how to come into compliance and remain in compliance are always the priority and the most cost effective method.

II. The top challenge is having one staff member attempt to do what was previously done by two staff members.

A. Even with a full time staff member it was still a struggle to keep up with the workload.

B. The cost of a full time C/E officer would be approximately $66,000 annually for salary and benefits. In addition, there would be the cost to acquire a vehicle for their use. There would also be the first year cost of recruitment as well as the initial cost and continued cost of training. It is estimated that in total it would be around $100,000 for the first year and $75,000 annually thereafter increasing incrementally with merit increases and any cost of living adjustments.

III. Funds would need to be committed to C/E that allow for the broader use of the City Attorney's Office and more aggressive court action to gain compliance in some of these long running cases.

IV. As stated above tracking of code compliance cases is currently done by hand and it is highly inefficient. Proper code enforcement and animal control software is estimated at a first year cost of $20,000 with an annual cost of around $11,000.

V. The Code Enforcement function is carried out in the Animal Control Truck which is a truck that was donated to Farmersville after reaching the end of its lifecycle with Tulare County Animal Control. The truck has long been in need of replacement however it is estimated that the cost of a replacement, even if we were to reuse the same box for animal storage, would be in the neighborhood of $60,000.

Possible Solutions

I. Prior staff research back in 2012 found that there are some very good, fairly low cost subscription based software solutions for automating C/E and Animal Control. The costs for the C/E portion could be spread over a number of different funds as C/E encompasses elements of each of these. This would spread the cost sufficiently that the direct budgetary impact to each fund and department would be minimal.

A. Another funding consideration for an FTE for Code Enforcement is via CDBG. This is an allowable expense for CDBG and it could potentially fund a full FTE for code for up to three years.

a. The new challenge of course would be how to fund the FTE at the conclusion of the grant term.

b. In addition, there would be the loss of those funds for some other eligible CDBG activity.

II. Contracting services is another possible solution. Based on prior discussion related to contracting of A/C and C/E services it would be questionable as to there being any cost savings and it fact it would likely be costlier.

III. Grant Fund or Developer Fees could potentially be used to cover the cost of equipment such as a new vehicle.

IV. Staff from other departments such as Fire could have portions of their time reallocated to cover C/E, A/C, or Planning functions.

V. A list of priorities could be developed for a more focused approach with low priority activities being set aside until time and workload allowed for them to be addressed. The volume of work is already overwhelming and it is clear that a shotgun approach picking up cases here and there with no focus has been ineffective.

Council will need to determine to what extent it is willing to support staff's enforcement efforts both financially and politically. How people conduct themselves and maintain their own private property can be a sensitive issue. Also, as explained earlier this can be an expensive undertaking as well and it is general fund dollars that are typically used for these functions since the loss of the RDA. The question becomes what the City is willing to accept in the way of expenses, to what extent they wish to pursue violations, and what are the types of cases they want to make the priority based on limited staff and limited resources.

*** END ***

Exhibits to this Report include Farmersville Municipal Codes Sections:

1) Chapter 17.108 – Administration and Enforcement,

2) Chapter 8.16 - Maintenance of Property,

3) Chapter 8.08 – Nuisances, and

4) Chapter 17.40 - Residential Land Uses

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2) Chapter 8.16 - Maintenance of Property,

3) Chapter 8.08 – Nuisances, and

4) Chapter 17.40 - Residential Land Uses

Exhibit 1

Chapter 17.108 - ADMINISTRATION AND ENFORCEMENT
Sections:

17.108.010 - Compliance required.

All departments, official and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of the title, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this title, and any such permit or license issued in conflict with the provisions of this title shall be null and void.

(Ord. 319 § 1(part), 1987)

17.108.020 - Enforcement by building inspector.

It shall be the duty of the building inspector of the city to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

(Ord. 319 § 1(part), 1987)

17.108.025 - Enforcement of site plans, design reviews and conditional use permits.

As a result of a determination of a violation of any provisions of this title or of any condition or conditions of approval of a site plan, design review and/or conditional use permit the city manager and/or city attorney may do any of the following to enforce the provisions of this title:

A. Seek an injunction to restrain and prevent any violation or threatened future violation of this title or of any condition or conditions of approval of a site plan, design review and/or conditional use permit;
B. Take the following abatement procedures:
    1. Send a notice to abate the violation or nuisance signed by the city manager and/or the city attorney, return receipt requested to the owner of record as shown on the latest assessment roll, said correction time shall not exceed ninety days,
    2. Post upon the premises involved a notice to abate the violation or nuisance, the correction time shall not exceed ninety days,
    3. If the violation or nuisance is not abated within the time frame provided in the notice (not to exceed ninety days) the city manager, his designee or city approved contractor may enter upon the premises and remove, eliminate or correct such violation or nuisance. In such event the cost to the city of the abatement of the violation or nuisance, shall be a lien upon the premises upon which such violation or nuisance was maintained, provided a claim therefor is filed within the time and the manner as prescribed in the California Civil Code and the government code and other applicable law relating to the creation and enforcement of liens, commencing with California Civil Code Section 3084, et seq. The cost of such abatement shall, in addition, be a personal obligation against the owner of the premises upon which such violation or nuisance was maintained recoverable by the city in an action before any court of competent jurisdiction.

4. The city council may grant an extension or extensions of the ninety days' notice period to the owner(s) of record of the property on which such public nuisance or violation is located, if the extension or extensions is/are for the purpose of eliminating a public nuisance as defined in this section or to correct a violation of this title or of a condition or conditions of approval of a site plan, design review or a conditional use permit, the extension shall not exceed one hundred eighty days.

C. In the event an injunction is sought and granted pursuant to subsection A of this section, the fees of the city attorney in securing the injunction shall be assessed against the person guilty of a violation of this title, or of a condition or conditions of approval of a site plan, design review and/or conditional use permit and shall be a lien against the property as provided for in subsection B of this section.

D. The city manager and/or city attorney may file a complaint for prosecution as a misdemeanor against any person, firm or corporation, whether principal, employee or otherwise, that violates this title and/or of any condition or conditions of approval of a site plan, design review, or conditional use permit. The person, firm or corporation shall be guilty of a misdemeanor. No showing of intent or wilfulness or knowledge shall be required for the finding of guilt.

E. Notwithstanding any other procedures of this chapter, and in addition to any other remedy provided for in this title, code or state law, the punishment for a violation of this title and/or any condition or conditions of approval of a site plan, design review and/or conditional use permit shall be a fine payable to the city. Such person, firm or corporation, shall be deemed to be guilty of a separate and distinct offense for each and every day during any portion of which such violation or nuisance is committed or continued by such person, firm or corporation, and shall be punishable by the fine for each offense as prescribed in Chapter 1.12 of this code. No portion of the fine may be suspended by a court upon correction of this violation.

F. Notwithstanding any other remedies of this chapter, in the event the conditions of a conditional use permit have not been, or are not being, complied with and after giving the permittee notice of the city's intention to revoke such permit at least fifteen days prior to the city council review thereon, the city council may revoke the permit.

G. All of the remedies specified in this chapter may be pursued by the city manager and/or the city attorney, or any combination of these remedies may be pursued, and the sue of one remedy shall not exclude the use of any or all the remaining remedies.

(Ord. 333 § 3, 1988)

17.108.030 - Prohibited acts.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be unlawful and declared a public nuisance; and the city attorney shall, upon order of the city manager or city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin may person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this title.

(Ord. 319 § 1(part), 1987)

17.108.040 - Violation—Penalty.

A. Any person, firm or corporation, whether as principal agent, employee or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of a misdemeanor or an infraction, as determined by the city after subject to approval by the court and upon conviction thereof shall be punishable as set out in Chapter 1.12 of this code.

B. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is and shall be punishable as provided in Chapter 1.12 of this code.

C. The remedies provided for in this chapter shall be cumulative and not exclusive.

(Ord. 319 § 1(part), 1987)

17.108.050 - Establishment or adjustment of fees.

All fees provided for under this title may be established, modified, adjusted or revoked by the adoption of a resolution by the city council.

(Ord. 319 § 1(part), 1987)

Exhibit 2

Chapter 8.16 - MAINTENANCE OF PROPERTY
Sections:

8.16.010 - Findings and purpose.

A. The city council of the city of Farmersville does hereby find that it is necessary to provide for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a nuisance; and to provide standards to safeguard life, health and public welfare in keeping with the character of the city by allowing for the maintenance of property or premises for each of the following purposes:
   1. To safeguard the health, safety and welfare of the people maintaining property or premises in good and appropriate condition;
   2. To promote a sound and attractive community appearance; and
   3. To enhance the economic value of the community, and each area in it, through the regulation of the maintenance of property or premises.

B. Accordingly, the city council finds and declares that the purpose of this chapter is to:
   1. Reduce the threat to health, safety, welfare, and appearance and economic value due to the decline in property condition(s) by lawfully delineating the circumstances under which such condition(s) may be considered illegal and/or abated; and further finds that,
   2. Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the city because maximum use and enjoyment of property or premises in proximity to another depends upon maintenance of those properties or premises at or above the minimum standard.

(Ord. 439 (part), 2008)

8.16.020 - Nuisance—Maintenance of property.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the city to maintain such premises or a public right-of-way fronting said premises in such manner that any of the following conditions are found to exist thereon:

A. Unsafe Buildings. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment.

B. Exits. Any structures where any door, aisle, passageway, stairway or other required means of exit is not of sufficient width or size or is blocked and does not provide safe and adequate means of exit in case of fire or panic.

C. Damaged Buildings. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural integrity of the building has been compromised as to be considered unsafe.

D. Fire Hazard. Premises maintained so as to constitute a fire hazard by reason of weeds, overgrowth or accumulation of debris.

E. Abandoned Buildings. Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction.

F. Termite Infestation. Any building on which the condition of the paint causes dry rot, warping or termite infestation.

G. Broken Windows. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief.

H. Vermin Harborage. Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances, or which causes detriment to neighboring properties or property values.

I. Hazardous Trees, Weeds. Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values.

J. Vehicles, Equipment. Any materials, equipment, vehicles not currently registered or other chattels stored continuously in excess of seventy-two hours within a yard area between a street and buildings used for residential purposes, including accessory buildings thereto.

K. Attractive Nuisances. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, ponds, excavations or neglected machinery.

L. Discarded Furniture. Broken or discarded furniture and household equipment remaining in front yard areas for unreasonable periods and causing damage or detriment to neighboring property.

M. Clothes Lines. Clothes lines in front yard areas.

N. Garbage Cans. Garbage cans stored permanently in the public right-of-way.

O. Debris in Yards. Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods and causing detriment to neighboring property.

P. Neglect of Premises. Any neglect of premises to spite neighbors, influence a zone change or other zoning relief or to cause detrimental effect upon nearby property or property values.

Q. Premises in Detrimental Condition. Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such manner as to constitute a "public nuisance" as defined by Civil Code Section 3480.

R. Property Value Depreciation. Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of the surrounding properties or is materially detrimental to properties and improvements.

S. Hazardous Fences. Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.

T. Storage or Parking of Vehicles. Including, but not limited to, automobiles, trucks, boats, recreational vehicles, on any unimproved surface of a front or side yard except for the purpose of washing such vehicle. (Unimproved surface includes any surface which is not paved or asphalted.) Properties having driveways composed of dirt, gravel or sand are exempt from surfacing requirement. For this purpose, a driveway is not what would normally be a landscaped area of the property.

U. Maintenance of Parking Lots. The definition of "parking lot" as it pertains to this subsection shall be: an off-street area, generally surfaced and improved for the temporary storage of five or more vehicles. All parking lots, commercial and multi-family residential, shall be properly maintained so that they are free from holes, cracks, or other disfigurements that the city deems to constitute a maintenance hazard, danger or risk. The surfaces shall be as required by city rules, guidelines and/or regulations. All parking spaces shall be properly marked at all times. Parking lots shall be kept free of trash and other debris, including, but not limited to, weeds and overgrowth of vegetation.

V. Neglected Paint/Finish. Painted buildings that require repainting, and walls, retaining walls, fences or structures upon which the condition of the paint or finish has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation.

A warning notice will be given for the first violation. Additional violations of this subsection will result in the issuance of a citation. The fines imposed are as follows:

First citation: $50.00	Due and payable within 30 days of date issued.
Second citation: $100.00	Due and payable within 30 days of date issued.
Third citation: $500.00	Due and payable within 30 days of date issued.

The citation may be issued by the city building official, the city code enforcement officer, or an authorized representative of the city building official.

(Ord. 439 (part), 2008)

8.16.030 - Declaration of nuisance and notice to abate.

Whenever the building official, county health officer or such other city official as may be designated by the city manager, determines that any building or premises within the city is being maintained in violation of the provisions of this chapter, he/she shall give written notice thereof to the owner of record as shown on the last equalized assessment roll. Such notice may be served by mail, certified, return receipt requested, addressed to said owner at the last known address of said owner as shown on the last equalized assessment roll. In the case that the public nuisance is an unsafe building, the subject building shall be posted, in addition to the required mailed written notice. Said notice shall specify the condition or conditions to be corrected or remedied and shall specify a reasonable period

within which this must be accomplished. The service of this notice is complete at the time such notice is deposited in a receptacle maintained by the United States postal service, with postage thereon fully prepaid.

(Ord. 439 (part), 2008)

8.16.040 - Service of abatement order.

A copy of the abatement order of said nuisance shall be served upon the owners of said property in accordance with the provisions of Section 8.16.030 of this chapter. Any property owner shall have the right to have any such premises rehabilitated or to have such buildings or structures demolished or repaired in accordance with said abatement order at his/her own expense, provided the same is done prior to the expiration of the abatement period set forth in the abatement order. Upon such abatement in full by the owner, then proceedings hereunder shall terminate.

(Ord. 439 (part), 2008)

8.16.050 - Abatement by city.

If such nuisance is not completely abated by the owner as directed within the designated abatement period, then the city manager, or such other city official as may be designated by him/her, is authorized and directed to cause the same to be abated by city forces or private contract, and the city manager or his/her designated agent, is expressly authorized to enter upon said premises for such purpose. All expenses so incurred by the city in connection therewith shall be charged to and become an indebtedness of the owner of such structure or premises, as well as a lien upon the affected property, as elsewhere herein provided.

(Ord. 439 (part), 2008)

8.16.060 - Charges for abatement.

When any nuisance is abated by the city pursuant to this chapter, the finance director shall prepare a statement showing the cost, including incidental expenses thereof, and shall certify to the correctness of the amount thereof. Such statement shall then be placed on file in the office of the finance director. The finance director shall thereupon give notice of the filing of such statement and of the amount of such charges in the same manner as provided in Section 8.16.030 of this chapter. "Incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and inspecting the work, and costs of printing and mailing required hereunder.

(Ord. 439 (part), 2008)

8.16.070 - Charges, hearing, interest.

A. Hearing on Charges. Within thirty days from the date of service of such notice of charges for abatement the property owner, or any interested person, may request a hearing as to the reasonableness of such charges. Such request shall be in writing and filed with the city clerk. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. Such request shall be presented by the clerk to the city council at its next regular meeting. The city council shall thereupon set a date for hearing such protest which shall be not less than ten nor more than thirty days thereafter. The city clerk shall give written notice of such hearing to the address furnished in

the demand for hearing. At the time set for such hearing, the city council shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the city council thereon shall be final and the city clerk shall then file with the city manager a certificate showing the conclusions of the council and, at the same time shall notify the applicant by serving upon him/her a copy of such certificate.

B. Interest on Charges. If the amount of such charges as determined by the city council shall not have been paid within sixty days after filing of such certificate by the city clerk, the payment thereof shall thereupon become delinquent and such amount so determined shall thereafter bear interest at the rate of seven percent until paid or until filed with the county tax collector as hereinafter provided. If no hearing is requested as to the reasonableness of such charges the payment thereafter shall become delinquent at the expiration of the time for filing of a request for a hearing thereon.

(Ord. 439 (part), 2008)

8.16.080 - Delinquent charges.

A. Transfer of Collection to County Tax Collector. On July 1st of each year, or within thirty days thereafter, the city manager shall certify a list of all delinquent charges for nuisance abatement to the county tax collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the county tax collector, and the amount of such charges, including such interest as shall have accrued after the delinquent date to July 1st of such year, shall be set forth opposite such description.

B. Method of Collection. Upon receipt of such list, the county tax collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect said charges in the same manner as municipal and ad valorem taxes and penalties and interest for nonpayment thereafter shall attach as though such amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon said tax roll as against a parcel shall be issued unless all such charges for nuisance abatement, and penalties thereon, entered upon that tax roll against said lot shall first be paid in full.

C. Tax-Sold Property. Upon the sale of any lot to the city for nonpayment of taxes, all charges for nuisance abatement for said parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

D. Tax-Sold Property—Redemptions. No certificate of redemption from sale for delinquent taxes shall be issued until all charges for nuisance abatement, and penalties entered on the delinquent tax records against the property involved, shall first have been paid in full.

E. Correction of Errors—Cancellation of Assessment.

1. The city manager may, prior to certifying any such unpaid charges to the county tax collector, correct any errors with respect to such taxes appearing upon his/her records.
2. After such taxes have been certified to the county tax collector, the council, by order entered on its minutes, may cancel any charges for nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment shall have not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged

against property acquired subsequent to the lien date by the United States, by the state, or any city, or any school district or other political subdivision, and because of this public ownership, not subject to sale for delinquent assessments.

F. Refunds. Any charge for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of any erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon clerical error appearing in the tax records, may be refunded by the council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the city clerk no later than one year after the date the erroneous payment was made.

(Ord. 439 (part), 2008)

8.16.090 - Alternative remedies.

It is the intent of the city council that the provisions and procedures set forth in this chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the city code or any other applicable law on the same or related subject matters. This chapter shall supplement existing procedures and will provide an alternative, nonexclusive procedure for the abatement of a nuisance. Nothing in this chapter shall preclude or prohibit the city from resorting to any appropriate legal remedy, whether civil or criminal, in the abatement of any nuisance including any nuisance designated in this chapter; and when such legal remedy is utilized, the administrative hearing and appeal procedures provided in this chapter to determine the existence of a nuisance shall not be applicable.

(Ord. 439 (part), 2008)

8.16.100 - Violation—Infraction.

A. The owner of any building or premises who maintains any public nuisance thereon, as defined in this chapter, or who violates any order of abatement issued by the city council is guilty of an infraction.

B. Any occupant or lessee in possession of any such building or premises who fails to vacate said building or premises in accordance with an order of abatement provided in this chapter is guilty of an infraction.

C. Any person who removes any notice or order posted as required in this chapter is guilty of an infraction.

D. No person shall obstruct, impede or interfere with any representative of a city department or the planning commission, or any person having any interest or estate in such building or premises, is engaged, pursuant to the provisions of this chapter, in enforcing any such order of abatement. Any person doing so shall be guilty of an infraction.

(Ord. 439 (part), 2008)

8.16.110 - Penalty.

Every violation determined to be an infraction is punishable as provided in this code. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted.

(Ord. 439 (part), 2008)

Exhibit 3

Chapter 8.08 - NUISANCES

Sections:

8.08.010 - Declaration of what constitutes a public nuisance.

Each of the following conditions or acts is declared by the city council to be a public nuisance:

A. Fire hazards: dry or dead shrubs, dead trees, combustible refuse and waste, or any material growing on a street, sidewalk or upon private property within the city, which by reason of its size, manner of growth and location is determined by the city fire department to constitute a fire hazard to a building, improvement, crop or other property, or when dry, will in reasonable probability constitute a fire hazard;

B. Hazardous obstructions: an obstacle, landscaping or thing installed, or maintained on private property near a roadway intersection obstructing the line of vision by reaching a height higher than three feet above the adjoining top of curb at the applicable corner of the road way intersection or three feet six inches above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner intersection where there is no curb or pavement.

C. Polluted water: a swimming pool, or other body of water which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water contained in a swimming pool, or other body of water, which includes, but is not limited to, bacterial growth, including algae, remains of insects, remains of deceased animals, reptiles, rubbish, refuse, debris, papers and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition;

D. Public burning: the intentional outdoor burning of any material, structure, matter or thing unless specifically authorized by the city fire department and the San Joaquin Valley Air Pollution Control District, if required;

E. Refuse and waste: refuse and waste matter, which by its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors, or which would materially hamper or interfere with the prevention or suppression of fire upon real properties in the city. "Refuse and waste" means unused or discarded matter or material which consists of but is not limited to such matter and materials as: rubbish, refuse, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal, and other pieces of metal, ferrous or nonferrous, furniture, inoperative vehicles and parts, trimmings from plants, trees, cans, bottles and barrels;

F. Private roads and bridges: private roads with potholes six inches or more in diameter, or with extensive cracks in the pavement, if paved, or with less than six inches of gravel surface, if a gavel road, or with less than twenty feet of improved surface from shoulder to shoulder as required by the city's specifications. Private bridges with load-bearing capacity of less than forty thousand pounds. Any traffic undulation (speed bump) on a private road or bridge not authorized by the city;

G. Uniform Codes: the violation of a provision of the following uniform codes:
   1. The Uniform Building Code as amended and adopted by the city council,
   2. The National Electrical Code as amended and adopted by the city council,
   3. The Uniform Fire Code as amended and adopted by the city council,
   4. The Uniform Housing Code as amended and adopted by the city council,
   5. The Uniform Plumbing Code as amended and adopted by the city council,
   6. The Uniform Mechanical Code as amended and adopted by the city council;

H. Zoning ordinance: the violation of a provision of the land use regulations of the city as set forth in Titles 15, 16, 17 and 18 of this code;

I. Water and sewer systems: the violation of a provision of the water and sewer system regulations as set forth in Title 13 of this code;

J. Public peace, morals and welfare: the violation of a provision of the regulations or the city as set forth in Title 9 of this code;

K. Maintenance of property: the existence of any of the following conditions:
   1. Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction,
   2. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief,
   3. Dead trees, weeds or debris that constitutes a danger to public safety or welfare,
   4. Inoperable or abandoned motor vehicles stored for more than ninety days on the premises visible from neighboring properties,
   5. Attractive nuisances dangerous and accessible to children including but not limited to:
      a. Abandoned or broken equipment or appliances, including televisions, dishwashers, refrigerators, and ice chests and power machinery,
      b. Hazardous pools, ponds and excavations, and
      c. Neglected machinery,
   6. Broken or discarded furniture and household equipment in yard areas,
   7. Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480,
   8. Any building or structure which has any of the following conditions or defects to a significant degree:
      a. Whenever any door, aisle, passageway, stairway or other means of exit is not sufficient width or size, or is not so arranged to provide safe and adequate means of exit, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit,
      b. Whenever any portion of a building or structure has been damaged by earthquake, wind, flood, or by any cause, in such a manner that the structural strength or stability thereof is appreciably less than the minimum requirements of this code for a new building or similar structure, purpose or location,
      c.

Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure person or damage property,

d. Whenever any building, portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure and earthquake forces as specified in the Uniform Building Code as amended and adopted by the city without exceeding the working stresses permitted in such Uniform Building Code,

e. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required of new construction,

f. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause is likely to trigger a partial or complete collapse, or some foundation or underpinning is likely to fall or give way,

g. Whenever, for any reason whatsoever, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used,

h. Any building whose structural members are not capable of resisting live load, dead load, wind load and earthquake load as specified in the Uniform Building Code as amended and adopted by the city,

i. Whenever the building or structure has been so damaged by fire, wind, earthquake, flood or other natural disaster, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might want to play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing nuisance, or unlawful or immoral acts,

j. Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition, applicable to such building or structure, of the building regulations of the city, as set forth in the Uniform Building Code as amended and adopted by the city or Uniform Housing Code as amended and adopted by the city or of any law or ordinance of this state or city relating to the condition, location or structure of buildings,

k. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, deterioration, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease as determined by the county health officer,

l. Whenever the building or structure, used or intended to be used for dwelling purposes, has light, air and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within,

m.

Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connection, heating apparatus, or other cause, is in such condition as to endanger life or other buildings or property in the vicinity or to provide a ready fuel supply that may augment the spread and intensity of fire arising from any such cause as determined by the city fire department.

(Ord. 378 § 2(part), 1997)

8.08.020 - Authority for adoption, application and purpose.

The procedure set forth in this chapter for the abatement of a nuisance and the making of the cost of abatement of a nuisance which exists upon a parcel of land a special assessment against that parcel is adopted under Government Code, Section 38773.5. The procedure set forth in this chapter for abatement applies to any nuisance which the city declares is a nuisance either by another provision of this code or other ordinance which the city may adopt.

The procedure set forth in this chapter is not exclusive and is in addition to the procedure for abatement which is conferred upon the city by Civil Code, Section 3494, Code of Civil Procedure, Section 731, Government Code, Section 38773 or other lawful authority.

(Ord. 378 § 2(part), 1997)

8.08.030 - Mailing notice to abate nuisance.

When the city council has declared that something constitutes a nuisance under this chapter, the city manager shall mail a certified notice to the owner of the property at that person's last known address and the mortgagee or beneficiary under a recorded deed of trust. The notice shall state the conditions which constitute the public nuisance and shall order the abatement of the nuisance within thirty days after the date of the notice.

(Ord. 378 § 2(part), 1997)

8.08.040 - Posting of notice on property.

In addition to the mailed notice under Section 8.04.030, the city shall post conspicuously at least one copy of the notice upon the property where the nuisance exists.

(Ord. 378 § 2(part), 1997)

8.08.050 - Effect of failure to receive notice.

The fact that the owner or other person to whom notice is given of the nuisance abatement proceedings does not receive such notice does not affect the validity of the proceedings.

(Ord. 378 § 2(part), 1997)

8.08.060 - Effect of failure to abate.

If the nuisance is not abated within the period given in the notice, the council may determine to proceed with the abatement. When it determines to proceed, the council shall give a second notice in the same manner as set forth in Sections 8.08.030 and 8.08.040. The second notice shall direct the person to appear before the council at a stated time and place and show cause why the nuisance should not be abated. The notice shall be headed "notice to abate nuisance" in letters of not less than one inch in height and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

_____ (name of person to whom notice is given) is hereby notified to appear before the City Council of the City of Farmersville at a meeting to be held_____, 199_____, at the hour of _____ _____.m. at _____ (place of meeting), and show cause, if he or she has, why the nuisance should not be abated and the cost of the abatement of the nuisance upon the parcel of land should not be made a special assessment against that parcel.

City Council of the

City of Farmersville

Dated:_____

By:_____

(Ord. 378 § 2(part), 1997)

8.08.070 - Hearing.

At the time fixed in the notice, the council shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance, including the estimated cost of its abatement and any other matter which may be pertinent. At the conclusion of the hearing, the council may, by resolution, declare its findings. If the council so concludes, it may declare the condition existing to be a nuisance and direct the person owning the property upon which the nuisance exists to abate it within thirty days after the date of posting on the premises of a notice of the adoption of the resolution.

(Ord. 378 § 2(part), 1997)

8.08.080 - Extension of time.

The council may grant an extension of time to abate the nuisance if, in its opinion, good cause for an extension exists.

(Ord. 378 § 2(part), 1997)

8.08.090 - Abatement by city.

If the person fails to abate the nuisance within the time set forth, the city may proceed to abate the nuisance.

(Ord. 378 § 2(part), 1997)

8.08.100 - Record of expenses.

The city shall keep an itemized account of the expenses involved in abating the nuisance. The city shall post conspicuously on the property and shall also mail to the owner of the property a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the council for approval and confirmation and at which time the council shall consider objections or protests to the cost of the work.

(Ord. 378 § 2(part), 1997)

8.08.110 - Hearing on statement of expenses.

At the time fixed for the hearing on the statement of expense, the council shall consider the statement and protests or objections raised by the person liable to be assessed for the cost of the abatement. The council may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement by motion or resolution.

(Ord. 378 § 2(part), 1997)

8.08.120 - Expenses a special assessment against the property.

If the property owner does not pay the expense of abating the nuisance within five days after the council confirms the costs of abatement, the cost shall become a special assessment against the real property upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest at the rate of five percent per year computed from the date of confirmation of the statement until paid. The assessment may be collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to levy, collection, and enforcement of municipal taxes apply to this special assessment.

(Ord. 378 § 2(part), 1997)

8.08.130 - Notice of special assessment.

The city shall file in the office of the county recorder a certificate substantially in the following form:

NOTICE OF SPECIAL ASSESSMENT

Under the authority of Government Code section 38773.5, and Ordinance No. ;#rule;, the City did on _____, 199_____ abate a nuisance upon the real property hereafter described and then on _____, 199_____, did assess the cost of the abatement upon the real property. The City of Farmersville claims a special assessment on the real property for the expense of doing the work in the amount of $;#rule;. This amount is a special assessment against the real property until it is paid, with interest at the rate of 6% a year from _____, 199_____ [insert date of confirmation of statement], and discharged of record. The real property referred to above, and upon which the special assessment is claimed is that certain parcel of land situated in the City of Farmersville, County of Tulare, State of California, more particularly described as follows: _____

_____

Dated:_____

City of Farmersville

City Manager

By:_____

(Ord. 378 § 2(part), 1997)

8.08.140 - Procedure in case of emergency.

When the conditions which constitute the nuisance pose an immediate threat to the public peace, health or safety, the council may order the nuisance abated immediately or take steps itself to abate the nuisance after adoption of a resolution declaring the facts which constitute the emergency. The resolution to be effective shall be adopted by four-fifths vote of the council.

(Ord. 378 § 2(part), 1997)

8.08.150 - Penalty for maintaining nuisance.

The owner or occupant of a lot or premises within the city who permits or allows the existence of a public nuisance as defined in this chapter, upon a lot or premises owned, occupied or controlled by him or her, or who violates this chapter is guilty of a misdemeanor and upon conviction is subject to a fine of not more than one thousand dollars or imprisonment for a period not exceeding six months, or both.

(Ord. 378 § 2(part), 1997)

Exhibit 4

Chapter 17.40 - RESIDENTIAL LAND USE TABLE
Sections:

17.40.010 - Purpose.

The purpose of the Residential Land Use Table is to designate the residential uses permitted within each zone, subject to the development standards for such uses set forth in the articles describing those zones.

(Ord. 319 § 1(part), 1987)

17.40.020 - Table 1—Permitted uses.

To determine in which zone a specific use is allowed:

A. Find the use in the left hand column.
B. Read across the table until either a "letter" or an "x" appears in one of the columns.
C. If a letter appears this means that the use is allowed in the zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section 17.40.030.
D. If an "x" appears in a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed in Section 17.40.030.
E. If neither a "letter" nor an "x" appears in a column, the use is not allowed in the zone represented by that column.
F. The planning commission shall interpret the appropriate zone for any land use not specifically listed in the table, the finding shall be based on consistency with the purpose of the zone and that the use is of the same general character as that of the uses permitted in that zone.
G. Overlay zones are not included in the table.

TABLE 1—RESIDENTIAL LAND USES

USES	ZONE			
	U-R	O-S	R-1	R-M
Above ground storage tanks for flammable or combustible fluids	b	b		
Accessory buildings and uses customarily appurtenant to a permitted use	x	x	x	x
Apartments and multiple-family dwellings				b
Boarding and rooming houses				a

Churches	b	b	b	b
Day care centers			a	a
Duplexes				x
Family day care homes			x	x
Foster homes			a	a
Guest houses	d		d	d
Home occupations	c		c	c
Manufactured and/or mobile homes on permanent foundations	x		x	x
Medical marijuana dispensary				
Mobile home parks	b		b	b
Nursing and convalescent homes				b
Public and private schools	b		b	b
Residence for a caretaker or watchman	c		c	
Second attached residential unit			d	
Single-family dwellings	x		x	x
Temporary tract offices	c		c	c
Residential care homes			b	b
Raising of fruit and nut trees, vegetables and horticultural specialties, excluding medical marijuana	x	x	b	b
Raising or cultivation of medical marijuana				

(Ord. 401 § 3, 2003; Ord. 319 § 1(part), 1987)

(Ord. No. 451, § 3, 7-11-2011; Ord. No. 461, § 6, 11-25-2015)

17.40.030 - Special conditions.

The following special conditions apply to those land uses indicated by corresponding letter in Table 1:

a. Conditional use permit required if for more than six guests, persons or dwelling units or in the case of day care facilities if more than twelve children including the provider's own children.
b. Conditional use permit required for new uses or the expansion of an existing conditional use permit by twenty-five percent or greater. Any multiple expansions totaling more than twenty-five percent of the building area of an existing building during a time period of five or less years will also require a conditional use permit.
c. Accessory use, incidental to principal use.
d. The addition shall not exceed twenty-five percent of existing living area. "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure. Subject to approval of the zoning administrator. May be approved without public hearing.

(Ord. 338 § 5, 1989; Ord. 319 § 1(part), 1987)

(Ord. No. 454, § 1, 3-12-2012)