

ORDINANCE NO. SCC 2017 - _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SHASTA AMENDING SECTION 8.28.060 OF THE SHASTA
COUNTY CODE CONCERNING NUISANCES**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 8.28.060 of the Shasta County Code is amended in its entirety to read as follows:

8.28.060. Abatement by Owner or County

- A. A copy of the written findings of fact and order of abatement shall be served personally or by mail upon each objector and all other persons upon whom the notice of abatement was served. The order may direct that any occupancy, use or activity cease immediately if its existence or continuation is found to be an immediate threat to health or safety. Otherwise, abatement shall be commenced by the owner within five calendar days of the service of the findings of fact and the order, or any longer period provided in the order, and shall continue with reasonable diligence until complete. If the work is not commenced and completed in that manner or a timely request for a hearing has not been filed as provided in Section 8.28.040, the enforcing officer or other designated county officer or employee shall proceed to abate the nuisance.
- B. The cost of abatement, including but not limited to the costs of inspection, notifications and service, agency staff time, actual work done, and attorney's fees pursuant to Shasta County Code section 1.12.040(D), shall constitute the cost of the abatement within the meaning of Government Code Section 25845 and may be specially assessed against the parcel of land upon which the abatement occurs as provided in that section. The cost of abatement may also be recovered in a civil action brought by the county to abate any existing nuisance or to enjoin any pending or threatened violation of this code.
- C. Interest shall accrue on the principal amount of the cost of the abatement remaining unsatisfied pursuant to the law applicable to civil money judgments.
- D. Prior to obtaining any such special assessment, the enforcing officer, with the concurrence of the clerk of the board of supervisors, will fix a time, date, and

place for the board of supervisors to consider the imposition of a special assessment and any protests or objections to it.

- E. The enforcing officer shall serve the record owner(s) of the property with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent costs of abatement that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of owner(s) to actually receive notice does not affect its validity.
- F. Any person whose real property is subject to a special assessment pursuant to this section may file a written protest with the clerk of the board of supervisors and/or may protest orally at the board of supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.
- G. At the conclusion of the consideration of the matter by the board of supervisors, the board of supervisors may adopt a resolution confirming, discharging, or modifying the amount of the special assessment or may take other action as the board of supervisors may deem appropriate. The board of supervisors may also cause a notice of abatement lien to be recorded.
- H. In accordance with Government Code section 25845, the assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

SECTION II.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION III.

The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION IV.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____ day of _____, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors
County of Shasta

By: _____

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Deputy