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Chapter 150 [Abatement of Violations and Nuisances](#)

- **Section 010 [Abatement--Initiation of Proceedings](#)**
 - The board of supervisors on its own motion or an enforcing officer may invoke the provisions of this chapter in lieu of or in addition to instituting a civil enforcement proceeding or a criminal prosecution as to any violation of this code that has occurred or is occurring or as to any other nuisance. (Ord. 1060 § 11, 1995.)
- **Section 020 [Notice](#)**
 - A . Every notice to abate a violation of any regulatory or prohibitory provision of this code or other nuisance shall be served upon the owner or the person in possession of the site at which the nuisance exists. If the owner or possessor cannot be personally served, the notice shall be posted at the site and mailed by certified or registered mail to the address of the owner of the site, as determined by the latest equalized assessment roll.
 - B. Except as to an act or condition that constitutes an immediate threat to public health or safety, every abatement notice issued under this section shall permit the owner or possessor of the site upon which the nuisance exists at least five calendar days in which to voluntarily abate the nuisance. Every notice of abatement issued under this section shall state:
 1. The act or condition which constitutes the nuisance;
 2. Any provision of this code or other law deemed to have been violated by the commission of that act or the existence of that condition;
 3. The maximum amount of time for voluntary abatement of the nuisance;
 4. The name, address and telephone number of the person who caused the notice to be served; and
 5. The time within which the owner or possessor of the site may request a hearing before the board of supervisors or any person or board authorized to hear the matter on its behalf, and that if so requested, a hearing will be held as provided in Section 1.15.040.
 - C. The failure of any person to receive a notice given pursuant to subsection A of this section shall

not constitute grounds for any court to invalidate any subsequent action by the county or any of its officers, agents or employees to abate the nuisance.
(Ord. 1060 § 11, 1995.)

• **Section 030 Demand for Hearing**

- A. If the owner or possessor of the site or anyone who received the abatement notice demands a hearing within the time set forth in the abatement notice, the board of supervisors or the person or body authorized to hear the matter on behalf of the board shall set the matter for hearing to be held pursuant to Section 1.15.040.
- B. If no demand for a hearing is made within the time provided in the abatement notice, the board of supervisors or the person or body authorized to act on its behalf may set the matter for hearing to be held pursuant to Section 1.15.040 whenever a hearing is deemed necessary to substantiate the need for abatement by the county or the public interest will be served. The board of supervisors or the person or body authorized to act on its behalf may dispense with a public hearing and elect to proceed under the provisions of Section 1.15.050 if it determines that a sufficient factual basis exists to warrant abatement by the county.
(Ord. 1060 § 11, 1995.)

• **Section 040 Hearing Procedures**

- A. Pursuant to Government Code Section 25170, the board of supervisors or the person or body authorized to hear the matter on its behalf may issue subpoenas as necessary to require the attendance at the hearing of persons or the production of books, papers or other things related to the subject matter of the hearing.
- B. The enforcing officer with jurisdiction to cause the abatement of the alleged nuisance shall first describe the acts or conditions constituting a nuisance and shall respond specifically to the grounds set out in the demand for hearing. Thereafter, the objector shall present whatever evidence is relevant to refute the allegations.
- C. A hearing held under this chapter shall be conducted pursuant to rules of procedure adopted or approved by the board of supervisors. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to this chapter except to the extent that the board of supervisors otherwise provides by rule of procedure. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Any failure to make a timely objection to offered evidence constitutes a waiver of the objection.
- D. At the conclusion of the hearing, the board of supervisors or the person or body authorized to act on its behalf shall determine, based on the evidence before it:
 - 1. Whether the acts or conditions specified in the notice of abatement exist;
 - 2. Whether those acts or conditions constitute a nuisance; and
 - 3. If a nuisance is determined to exist, whether it should be abated by the county.
- E. If the board or the person or body authorized to act on its behalf finds that the alleged nuisance does

exist and should be abated, abatement of the nuisance shall be ordered. An order to abate a nuisance is final immediately, unless the order or a provision of this code expressly provides otherwise. (Ord. 1060 § 11, 1995.)

- **Section 050 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, activity or circumstance 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 1.15.030, the enforcing officer or other designated county officer or employee shall proceed to abate the nuisance.

B. Pursuant to Government Code Section 25845, the cost and fees of abatement may be specially assessed against the parcel of land upon which the abatement occurs and may be made a lien against any other property owned by the owner of the site of the nuisance. The cost and fees 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. For the purposes of this chapter and Government Code Section 25845, "cost of abatement" includes but is not limited to the costs of inspecting the nuisance, the work done to abate the nuisance, and the abatement proceedings under this code, and includes attorney fees or expenses incurred by the county. The prevailing party in any action shall also be entitled to recovery of attorney's fees as authorized by Government Code Section 25845. In no action for abatement of a nuisance or violation of the code shall an award of attorneys' fees to a prevailing party exceed the reasonable amount of attorneys' fees incurred by the county in the action or proceeding.

C. Upon entry of a second or subsequent civil or criminal judgment within a two-year period showing that an owner of property is responsible for a condition that may be abated pursuant to this chapter, except for conditions abated pursuant to Health & Safety Code Section 17980, the court may order the owner to pay treble damages.

(Ord. 1094 § 1, 1997; Ord. 1060 § 11, 1995.)

- **Section 060 Nonexclusive Remedy**

- This chapter is an alternative to and does not supersede any other provision of law that authorizes a nuisance to be abated or enjoined. (Ord. 1060 § 11, 1995.)

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