

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2768

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
REPEALING CITY CODE SUBSECTION 7-156(C), RENUMBERING
THE REMAINING SUBSECTIONS OF CITY CODE SECTION 7-156
AS CITY CODE SECTION 7-159 AND AMENDING THE TITLE,
REPEALING CITY CODE SECTION 7-157, AND ADDING CITY
CODE SECTIONS 7-156, 7-157, AND 7-158, CONCERNING THE
RECOVERY OF NUISANCE ABATEMENT COSTS

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Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. Oxnard City Code (“OCC”) subsection 7-156(C) is hereby repealed, the remaining subsections of OCC Section 7-156 are renumbered as OCC Section 7-159, and the title is amended to read as follows:

“SEC. 7-159. PENALTIES.”

Part 2. OCC section 7-157 is hereby repealed.

Part 3. OCC Sections 7-156, 7-157, and 7-158, inclusive, are added to read as follows:

“SEC. 7-156. ABATEMENT BY CITY.

If the nuisance or attractive nuisance is not abated within the time specified in the notice to abate the nuisance or attractive nuisance or within ten days from the date of the denial of any appeal, the city manager shall abate the nuisance.”

“SEC. 7-157. ABATEMENT AND RELATED ADMINISTRATIVE COSTS INCURRED BY CITY.

The costs of abatement incurred by the city of a nuisance or attractive nuisance and related administrative costs shall be paid by the property owner and shall be collectible by the city as a civil debt.”

“SEC. 7-158. ABATEMENT AND RELATED ADMINISTRATIVE COSTS AS LIEN.

(A) When the city abates a nuisance as defined in Section 7-151 or an attractive nuisance as defined in Section 7-152, the city manager or designee may impose a lien for recovery by the city of the costs for abatement and related administrative costs upon the property on which the nuisance or attractive nuisance was maintained.

(B) Prior to recording a lien, the city manager or designee shall prepare a nuisance abatement cost report containing the following information:

- (1) The street address, legal description, and assessor's parcel number of the parcel on which the lien is to be imposed;
- (2) The name and address of the owner of the property;
- (3) The name of the city as the agency on whose behalf the lien is imposed;
- (4) The date of the abatement order; and
- (5) The amount of the lien.

(C) The city manager or designee shall notify each property owner of the time, date, and location that the city council shall consider any cost report imposing a lien on the owner's property. The city manager or designee shall serve the notice in the same manner as a summons in a civil action pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure.

(D) If the property owner cannot be located after diligent search, the city manager or designee may serve the notice by posting a copy of the notice upon the subject property in a conspicuous place for a period of ten days. The city manager or designee shall also publish the notice pursuant to Code of Civil Procedure section 6062 in a newspaper of general circulation that is published in Ventura County.

(E) At a public hearing, the city council shall consider the cost report with any objections of any property owner liable to be assessed for the costs stated in the report. The city council may modify the cost report as appropriate.

(F) Upon approval by the city council, the city manager or designee shall file a certified copy of the cost report with the county auditor. The city manager or designee shall request that the county auditor process and record the lien."

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Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. 2768 was first read on March 11, 2008 and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

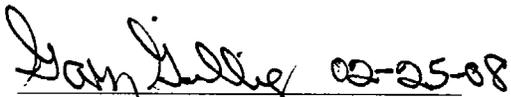
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 02-25-08

Gary Gillig, City Attorney