

ORDINANCE NO. 809

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON, CALIFORNIA,
AMENDING AND MODIFYING CHAPTER 8.24 OF THE ANDERSON MUNICIPAL CODE,
RELATING TO ILLEGAL DUMPING**

THE COUNCIL OF THE CITY OF ANDERSON DOES ORDAIN AS FOLLOWS:

Chapter 8.24 - ILLEGAL DUMPING

8.24.010 - Prohibited to Place or Deposit.

No person shall place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any garbage, refuse, trash or rubbish of any nature whatsoever, or any nauseous, offensive matter, in or upon any public or private road, highway, street, alley, public way or any public or private property of any kind whatsoever.

8.24.020 - Prohibited to Allow Matters Placed or Deposited to Remain on Private Property.

No owner or occupant of real property shall allow refuse, trash or rubbish of any nature whatsoever, or any nauseous, offensive matter that has been deposited, dumped, stored or left on his/her/its property to remain on the property after receipt of a notice to abate the condition in the following form:

NOTICE AND ORDER TO ABATE CONDITION

(VIOLATION OF SECTION 8.24.020)

Date of Issuance: _____

A determination has been made that there exists upon the lot or premises located at _____, Anderson, California, condition(s) constituting a violation of Section 8.24.020 of the Anderson Municipal Code.

YOU ARE HEREBY ORDERED to either: (1) ABATE THE ABOVE CONDITION(S) within 30-days of the date of issuance of the Notice and Order to Abate Condition by removing from the real property the matters and things constituting the violation of Section 8.24.020 and disposing of them in lawful manner, or (2) otherwise remedying the condition(s) to the satisfaction of the undersigned enforcement officer within _____ days of the date of this Notice and Order.

8.24.030 - Manner of Giving Notice

The Notice and Order to Abate shall be mailed by certified U.S. mail, postage prepaid and return receipt requested, to the owner of the property at the address for the owner shown on the last equalized assessment roll of Shasta County. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper person and address for the purpose of mailing such notices. In addition, if the property is other than vacant property, a copy of the notice shall be mailed to the property address.

8.24.040 – Right to Appeal Notice and Order of Violation of Section 8.24.020

You have the right to appeal this Notice and Order to Abate Condition by providing to the City Clerk a written Appeal to Order to Abate Condition that shall contain the following:

1. Your Name
2. Identification of the Property
3. The Date you were issued the Notice and Order to Abate Condition
4. The factual and/or legal basis as to why you believe you are not in violation of Section 8.24.20 of the Anderson Municipal Code
5. Your signature and affirmation that the matters and things represented in support of your written Appeal to Order to Abate Condition

The appeal shall be hand delivered or mailed within 15 calendar days of issuance of the Notice and Order to Abate Condition. The Appeal to Order to Abate Condition shall be hand delivered or mailed to the City Clerk at 1887 Howard Street, Anderson, California 96007.

8.24.050 - Hearing on Appeal

Upon receipt of a timely appeal as provided in Section 8.24.030 of this Code, the City shall set a cause hearing to determine whether a violation exists and shall be conducted by a hearing officer as set forth in Section 8.28.150 of this Code. The hearing officer's decision shall be final unless challenged in superior court. Any action brought in superior court challenging the hearing officer's decision and order shall be commenced within thirty calendar days of the date of service of such decision.

8.24.060 – Nuisance

Any condition caused or permitted to exist in violation of Section 8.24.020 shall be deemed a public nuisance and may be abated in the manner provided in Chapter 8.28 of the Anderson Municipal Code.

8.24.070 – Misdemeanor Penalty for Violation

In addition to any other remedies provided for Chapter 8.28 of the Anderson Municipal Code, or under applicable law, a violation of this chapter, a failure to comply with a Notice

and Order to Abate Condition issued pursuant to Chapter 8.24.020, and/or a failure to comply the hearing officer's final decision on appeal shall be a misdemeanor. No penalty shall issue during pendency of any Appeal to the Notice and Order to Abate as set forth herein.

8.24.080 No Duty to Enforce

Nothing in this chapter shall be construed as requiring the city to enforce its prohibitions against any or all properties which may violate it. The city envisions that this chapter will be enforced, in the city's prosecutorial discretion, only as to a limited number of problem properties, as resources permit. Nothing in this section or the absence of any similar provisions from any other city law shall be construed to impose a duty on the city to enforce such other provision of law. This chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

8.24.090 Exemptions

1. It shall not be a violation of this Chapter upon any of the following circumstances:
 - a. The garbage, refuse, trash and/or rubbish is temporarily deposited or placed in an enclosed solid waste container, at the landowner or lawful occupant's permission, for subsequent waste collection and disposal.
 - b. The property in which the garbage, refuse, trash and/or rubbish is deposited or placed, at the landowner or lawful occupant's permission, is placed on a commercial or industrial property lawfully handling on-site waste disposal.
 - c. The materials deposited on the property, at the landowner or lawful occupant's permission, are recyclables and the property serves as a recycling center as defined in Section 17.34.030 of the Anderson Municipal Code.
 - d. The materials deposited on the property, at the landowner or lawful occupant's permission, are those of the sorts and kinds associated with auto dismantling or metal salvage and/or storage operations lawfully existing in the City of Anderson.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the City Council on July 18, 2017, and duly adopted at a regular meeting of the City Council held on August 15, 2017, by the following vote:

AYES: Councilmembers Hunt, Neutze, Baugh, Comnick, and Mayor Browning.
NOES: None.
ABSENT: None.
ABSTAIN: None.



Baron Browning, Mayor

ATTEST:



Juanita Barnett, City Clerk