

**CITY OF GRASS VALLEY**  
**Memorandum for**  
**CITY COUNCIL MEETING OF 02/09/10**  
**Prepared on 01/26/10**

**TO:** Grass Valley City Council  
Via Dan Holler, City Administrator

**FROM:** John Foster, Chief of Police

**SUBJECT:** Ordinance to Add Chapter 8.48 Responsible Property Owner to the Grass Valley Municipal Code

**RECOMMENDATION:** Approve Ordinance to add Chapter 8.48 to the Grass Valley Municipal Code pertaining to community safety.

**STAFF REPORT:** Over the last few years, there were several properties within the City that rose to the level of a chronic nuisance. As an example, two residences owned by the same property owner generated 65 police calls for service during 2009. This does not include calls for service from other citizens in the neighborhood impacted by the activities and behaviors of the occupants and visitors of the nuisance property.

Responsible property owners monitor their property and take appropriate and reasonable action to prevent or address behaviors or activities occurring on their property that contribute to crime or create public nuisances. A property owner that fails to take this action threatens the health, safety, and welfare of the neighborhood and the City as a whole, and it is necessary for the City to be able to undertake administrative or judicial action.

Behaviors and activities associated with the ongoing occurrence of criminal activity or crime have a substantial negative impact upon individuals, neighborhoods, and the City as a whole. When these behaviors and activities repeatedly occur on the same property, the property becomes a chronic nuisance and these properties have a tremendous negative impact upon the quality of life, safety, and health of the neighborhoods where they are located. Additionally, chronic nuisance properties often require resources over and above the level of police services normally provided, often leaving other areas of the City without adequate levels of police protection.

The proposed ordinance is a tool for law enforcement to help remedy chronic nuisance properties. Once a safety violation occurs at a property, the property owner will receive a notice specifying the activities and behaviors which constituted the safety violation, including the names, when known, of the person(s) allegedly causing the safety violation, and the address where the safety violation occurred. After an initial notice, if any safety violations reoccur after thirty calendar days of the date of the notice, the property owner may face any or all of the following actions or fines:

1. A misdemeanor punishable by either six (6) months in jail and/or a fine not to exceed One Thousand Dollars (\$1,000);
  2. Institution of a civil action by the City Attorney,
  3. Issuance of administrative citation(s) and/or an order to abate the Safety Violation(s) with a fine up to Five Hundred Dollars (\$500), plus any Administrative Expenses incurred in the enforcement of the safety violation.
- B. Each day a safety violation(s) occurs shall be deemed a new violation subject to additional citations, penalties, and fines.

Safety violations may be filed as an infraction or a misdemeanor at the discretion of the City Attorney. All fines shall be the obligation of the Owner, and unless an appeal is filed, such fines are due and payable within thirty (30) days of issuance of the citation.

The benefit associated with the addition of Chapter 8.48 is the timely resolution of chronic nuisance properties, thus increasing the quality of life, safety, and health of the neighborhoods where they are located.

If the proposed recommendations are not enacted, staff believes that the property owners who currently ignore or delay addressing nuisances occurring on their property will continue to impact the quality of living, safety, and health of their neighborhoods.

**FISCAL IMPACT:** Implementation of the proposed action will not require additional resources. The ordinance does require additional effort by the City to provide notices to property owners of safety violations and to track the progress of the subsequent abatement of the nuisance. However, the ordinance does permit collection of administrative expenses to cover the cost incurred by the City in documenting the safety violations, investigating and enforcing statutory crimes related to the safety violation, including court appearances, conducting inspections, attending hearings, and preparing notices, administrative citations, and orders.