

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE PROCEDURES FOR THE
ABATEMENT OF UNLAWFUL CONDITIONS

WHEREAS, the City of Escondido (“City”) codified the procedures for abatement of unlawful conditions under Escondido Municipal Code (“EMC”) Section 6-488; and

WHEREAS, the City Council last revised EMC Section 6-488 on September 16, 1998; and

WHEREAS, EMC Section 6-488 sets out the procedures for abatement of conditions which are injurious and inimical to the public health, safety, and welfare of the residents of the City; and

WHEREAS, the current abatement procedures result in delays when hazardous conditions demand prompt action; and

WHEREAS, the purpose of this Ordinance is to expedite the abatement process.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. EMC Section 6-488, subsection (a) is repealed and replaced as follows:

(a) Notice and order. Whenever the building official or designee (“building official”) has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the building

official may use the procedures set forth in this section for the abatement of such nuisance.

SECTION 2. EMC Section 6-488, subsection (a)(1)(iii) is repealed and replaced as follows:

(iii) An order to complete abatement of described conditions within such time as the building official considers to be reasonable, but in no event shall the total time allowed for abatement be more than sixty (60) days from the date of the notice and order. Provided that, in the event of work required due to fire, earthquake, or any other natural disaster, all appropriate permits shall be obtained and the work shall commence within sixty (60) days from the date of service of the notice and order, and shall be completed within one hundred eighty (180) days from the date of service of the notice and order.

SECTION 3. EMC Section 6-488, subsection (a)(1)(vi)-(vii) is repealed and replaced as follows:

(vi) A statement advising any person having any interest or record title in the property of the appeal process provided in this Section.

(vii) A statement advising that the notice and order will be recorded against the property in the office of the county recorder, unless the violation(s) are corrected.

SECTION 4. EMC Section 6-488, subsection (a)(4) is repealed and replaced as follows:

(4) If the violations are not corrected within a reasonable time, the building official shall file in the office of the county recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The building official shall file a new certificate with the county recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the planning commission upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid. Such certificate shall be filed within five (5) working days of the date of completion of such corrections.

SECTION 5. EMC Section 6-488, subsection (c)(1) is repealed and replaced as follows:

(1) Any person aggrieved by the action of the building official in issuing a notice and order pursuant to the provisions of this article may appeal to the planning commission within ten (10) calendar days of service of the notice and order. Notwithstanding Section 6-491, if the building official's notice and order states a violation is dangerous to life or property and must be abated within seven (7) calendar days, then the appeal shall be filed with the City Manager within five (5) calendar days of service. If no appeal is filed within the time prescribed, the action of the building official will be final.

SECTION 6. EMC Section 6-488, subsection (c)(3) is repealed and replaced as follows:

(3) Appeals must be filed with the city clerk. The filing of an appeal will immediately stay the action proposed in the notice and order, until the planning commission has acted upon the appeal. Violations deemed dangerous to life or property will be promptly resolved by the City Manager or designee ("City Manager") based upon the written appeal. The City Manager's decision shall be final.

SECTION 7. EMC Section 6-488, subsection (c)(5) is repealed and replaced as follows:

(5) Planning commission appeals will be placed on the next available agenda. The planning commission, by a majority vote, may approve, modify or disapprove the decision of the building official. The city council by a majority vote may approve, modify or disapprove the decision of the planning commission, by requesting a review pursuant to subsection (c)(4) of this section.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15

days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 26th day of August, 2020 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

VACANT : Councilmembers: DISTRICT 2

APPROVED:

DocuSigned by:
Paul McNamara
CAACE20782954D3...
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2020-18 passed at a regular meeting of the City Council of the City of Escondido held on the 26th day of August, 2020, after having been read at the regular meeting of said City Council held on the 12th day of August, 2020.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

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