This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Order (revised March 19, 2021). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

**HOW TO VIEW THE MEETING:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at [https://malibucity.org/video](https://malibucity.org/video) and [https://malibucity.org/VirtualMeeting](https://malibucity.org/VirtualMeeting).

**HOW TO PARTICIPATE BEFORE THE MEETING:** Members of the public are encouraged to submit email correspondence to mlinden@malibucity.org before the meeting begins.

**HOW TO PARTICIPATE DURING THE MEETING:** Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit [https://malibucity.org/VirtualMeeting](https://malibucity.org/VirtualMeeting) and follow the directions for signing up to speak and downloading the Zoom application.

**Public Safety Commission**
**Regular Meeting Amended\(^1\) Agenda**

*(to be held during COVID-19 emergency)*

**Wednesday, April 7, 2021**

**5:00 P.M.**

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT [MALIBUCITY.ORG/VIDEO](http://MALIBUCITY.ORG/VIDEO)

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – March 29, 2021; *Amended Agenda posted March 30, 2021*

\(^1\) See Item No. 3.A. corrected title
1. **Written and Oral Communications from the Public and Commissioners**
   
   A. Communications from the Public concerning matters which are not on the agenda but for which the Commission has subject matter jurisdiction. The Commission may not act on these matters at this meeting. (30 minutes total time allotted)
   
   B. Staff updates.
   
   C. Commissioner reports, comments and inquiries. (15 minutes total time allotted)

2. **Consent Calendar**
   
   A. Previously Discussed Items
      
      None.
   
   B. New Items
      
      1. **Approval of Minutes – March 3, 2021**
         
         
         Staff Contact: Executive Assistant Linden, 456-2489, ext. 232
      
      2. **Approval of Minutes – March 11, 2021**
         
         
         Staff Contact: Executive Assistant Linden, 456-2489, ext. 232

3. **Old Business**
   
   A. **Automatic License Plate Readers (continued from January 6, 2021)**
      
      Recommended Action: Provide a recommendation to the City Council regarding the installation of additional Automatic License Plate Readers (APLRs) for use by the Sheriff’s Department and suggested locations, as appropriate.
      
      Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

4. **New Business**
   
   A. **Nuisance Abatement**
      
      Recommended Action: 1) Receive a report on the City’s Nuisance Abatement Code (MMC Chapter 8.28); 2) review similar codes in other cities; and 3) provide a recommendation to the City Council on any suggested amendment(s) to MMC 8.28, if appropriate.
B. Community Crime Map

Recommended Action: 1) Receive a report on the LexisNexis Community Crime Map tool; and 2) Provide a recommendation to the City Council regarding a subscription for the Community Crime Map, if appropriate.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

C. Crime Suppression Team Activity

Recommended Action: 1) Receive a report on the Sheriff’s Crime Suppression Team activities; and 2) Provide feedback to staff and Sheriff’s Department personnel.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

D. Public Safety Agency Activity

Recommended Action: Discuss recent Public Safety Agency activities and receive and file activity reports from the County of Los Angeles Sheriff’s Department, Fire Department and Lifeguard Division.

Staff Contact: Executive Assistant Linden, 456-2489, ext. 232

Adjournment

Future Meetings

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Wednesday, May 5, 2021</td>
<td>5:00 p.m.</td>
<td>Regular Meeting</td>
<td>Location to be determined</td>
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<tr>
<td>Wednesday, June 2, 2021</td>
<td>5:00 p.m.</td>
<td>Regular Meeting</td>
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<tr>
<td>Wednesday, July 7, 2021</td>
<td>5:00 p.m.</td>
<td>Regular Meeting</td>
<td>Location to be determined</td>
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Guide to the City Commission Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda but are under the subject matter jurisdiction of the Commission. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized. Please visit https://MalibuCity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent
Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

**Old Business** items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

**Items in New Business** are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Manager, and available upon request by emailing MLinden@MalibuCity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Yolanda Bundy, Environmental Sustainability Director, at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 30th day of March 2021, at 12:30 p.m.

Mary Linden, Executive Assistant
To: Chair Frost and Members of the Public Safety Commission  
Prepared by: Mary Linden, Executive Assistant  
Approved by: Reva Feldman, City Manager  
Date prepared: March 25, 2021  
Meeting date: April 7, 2021  
Subject: Approval of Minutes – March 3, 2021


DISCUSSION: Staff has prepared draft minutes for the Public Safety Commission Regular meeting of March 3, 2021, and hereby submits the minutes to the Commission for approval.

ATTACHMENTS: Draft March 3, 2021 Public Safety Commission Regular Meeting Minutes
The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Chair Frost called the meeting to order at 5:01 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Chris Frost; Vice Chair Doug Stewart; Commissioners Daphne Anneet, Keegan Gibbs, and Joshua Spiegel; and Ex Officio Member Brent Woodworth

ALSO PRESENT: Susan Dueñas, Public Safety Manager; Rob DuBoux, Public Works Director; Jerry Vandermeulen, Fire Safety Liaison; Richard Mollica, Planning Director; Sara Kaplan, Public Safety Specialist; Brandie Ayala, Senior Administrative Assistant; Lieutenant James Braden, Los Angeles County Sheriff’s Department; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Fire Safety Liaison Vandermeulen led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Gibbs moved and Vice Chair Stewart seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on February 24, 2021.

ITEM 1.A. PUBLIC COMMENTS

Ryan Embree commended staff for notifications sent through multiple platforms regarding the fire last Sunday. He asked about underlining conditions of the fire. He stated there were motorhomes evacuating from Winter Canyon whose occupants may have witnessed the fire or the origin. He suggested Sheriff patrols
of private roads for possible encampments. He suggested the Commission discuss the use of equipment that could detect encampments, such as drones or infrared cameras. He stated the Commission should get a report on the fire directly from the Fire Department.

ITEM 1.B. STAFF UPDATES

Public Safety Manager Dueñas stated the City Manager called her at 5:00 a.m. regarding the fire and the media communications team was immediately called. She stated the first Everbridge message was sent at 5:17 a.m. and other messaging at 5:18 a.m. She thanked Mr. Embree for acknowledging staff’s quick response. In response to Mr. Embree, she stated she had not been notified that the cause of the fire was yet determined. She stated she met today with a vendor of equipment that could potentially identify fires early through satellite imaging. She stated FlameMapper, a City consultant, partnered with another company that could detect a fire as it was happening. She stated the Vehicle Impound Fee increases recommended by the Commission had been scheduled to go to Council on March 22 but was pushed back to April 12, 2021 to allow time for required public noticing.

Public Works Director DuBoux discussed the Civic Center Way project. He stated the portion of the road closed to traffic with fences and gates was designed to be quickly opened for an emergency. He stated he was notified early Sunday morning about the fire and immediately dispatched staff and contacted the Sheriff’s Department to open the gates. He stated there were no access issues for the Fire Department. He stated the project was wrapping up, and the road would reopen to traffic within the next week.

Fire Safety Liaison Vandermeulen stated the Draft Community Wildfire Protection Plan (CWPP) was sent to the Commissioners. He stated the draft was still being edited. He stated the performance period for the funding grant would end on March 15. He announced a public meeting to present the Draft CWPP was scheduled for Wednesday, March 10, 2021, at 6:00 p.m. He displayed map of the new Evacuation Zone 11. He stated Zone 11 was revised in response to a request from Supervisor Kuehl’s office due to an overlap with the Topanga evacuation zone. He stated the Sunset Mesa neighborhood was included in Zone 11 at the request of the Sheriff’s Department. He stated with Coastline Drive removed from the City’s zone, the eastern boundary was now at the Malibu city limit. He stated Zone 11 included the homes along Topanga Beach and upper Las Flores. He stated the County Office of Emergency Management (OEM) was establishing evacuation zones throughout the unincorporated Santa Monica Mountains area and the northern part of Zone 11 would probably become part of the County zones. He stated the City’s new Zone 11 replaced the former Zone 11 East and Zone 11 West. He stated messaging about the new zone would be sent by the City. He explained Live Fuel Moistures (LFM)
and exhibited a graph of LFM levels from 1981 to 2021. He stated LFM was administered by the Forestry Division of the Los Angeles County Fire Department.

Executive Assistant Linden announced the Joint Special Meeting of the Public Safety Commission and Public Works Commission scheduled for Thursday, March 11, 2021, at 5:00 p.m.

ITEM 1.C. COMMISSIONER COMMENTS

Ex Officio Member Woodworth stated he discussed with Public Safety Manager Dueñas various issues, including early fire warnings and satellite photos. He thanked Fire Safety Liaison Vandermeulen for the LFM details. He expressed concern about the trends. He stated mitigation, preparedness, and communication was important to the community. He stated he was pleased with the changes to the evacuation zones. He asked when the County would complete its zones. He stated evacuation zone support and mitigation communication should be discussed.

Commissioner Spiegel thanked Mark Russo and the Volunteers on Patrol (VOP) for always being there where needed. He commended the Fire Department for its quick response to Sunday’s fire. He stated a transformer that services the Civic Center blew out after the fire. He stated traffic signals flashed then went out when the battery power ran out. He stated things moved more slowly than he would like. He requested an interactive community crime map, such as LexisNexis, be put on an agenda.

Executive Assistant Linden explained the budget process. She stated it could be added to the April agenda. In response to Commissioner Gibbs, she clarified that LexisNexis was free to end users but there may be a cost to the City.

In response to Commissioner Gibbs, Public Works Director DuBoux stated speed data for where speed humps were installed in Point Dume would on the March 11 joint meeting agenda.

Vice Chair Stewart thanked Public Works Director DuBoux, Planning Director Mollica, and City Manager Feldman for bringing Ordinance No. 427 back to life to deal with oversized vehicles parked all over town. He stated Mark Russo, VOP, was able to identify fire hydrants for firefighters on Sunday thanks to blue Botts dots on the road. He thanked Public Works Director DuBoux and Fire Safety Liaison Vandermeulen for getting those installed. He commended Public Safety Manager Dueñas for her presentation on homelessness at the Special City Council meeting on February 25. He asked for an update on signage for evacuation zones. He stated the fuel moisture levels were eye-opening.
In response to Vice Chair Stewart, Public Safety Manager Dueñas stated she was in the process of preparing a purchase order for beacon boxes. She stated evacuation zone signage would be the next step now that the City’s evacuation zones have been revised.

In response to Vice Chair Stewart, Public Safety Manager Dueñas stated she would report back on the status of automated license plate readers (ALPR). Vice Chair Stewart requested the Fire Department be invited to the next meeting. He suggested placing items for public safety services earlier in the meeting.

Chair Frost stated ALPR was supposed to come back to the Commission for further discussion with input from the Sheriff’s Department. He stated the oversized vehicle ordinance was being finalized by the City Attorney’s office in coordination with the Coastal Commission. He stated he looked forward to seeing lidar in the City to cut down on street racers. He stated he never saw moisture levels so low so early in the year. Fire Safety Liaison Vandermeulen agreed with Chair Frost and stated it would be a very long spring and summer. Chair Frost stated Mark Russo and another VOP reported the fire on Sunday when they observed it while fueling their vehicles.

ITEM 2  CONSENT CALENDAR

Vice Chair Stewart requested page two of the minutes be corrected to name him elected as Vice Chair.

MOTION Chair Frost moved and Vice Chair Stewart seconded a motion to approve the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items
   None.

B. New Items
   1. Approval of Minutes – February 3, 2021
      Staff recommendation: Approve minutes of the Public Safety Commission Regular meeting of February 3, 2021.

ITEM 3  OLD BUSINESS

A. Temporary Tow Yard
   Recommended Action: Discuss options and provide a recommendation to the City Council regarding a temporary location for a tow yard site to be used during the summer.
Public Safety Manager Dueñas invited Chair Frost and Commissioner Spiegel to present the report.

Chair Frost stated he and Commissioner Spiegel met with Kami Winter of Sierra Towing and toured potential sites for a temporary tow yard. He stated she confirmed all non-retrieved vehicles would be moved to Sierra Towing’s lot at 8:00 or 9:00 p.m. each night, so no cars would be left in Malibu overnight.

Commissioner Spiegel stated the west end was more active area. He stated City Manager Feldman provided a list of properties with proper zoning. He stated Public Safety Manager Dueñas submitted an application with Santa Monica-Malibu Unified School District (SMMUSD) for use of the Malibu High School back parking lot. He stated he inquired about using the Malibu Methodist Nursery School lot and would attend a meeting there this week. He stated the Malibu Equestrian Park, which is owned by SMMUSD and leased by the City for recreation purposes. Would have to amend use agreement to allow towing on weekends. He stated staff at SMMUSD informed him the Facility Use Agreement between the City and SMMUSD would need to amended for use of the Equestrian Park. He suggested focusing there since it was not used on weekends. He stated there needed to be a firm commitment from the Sheriff’s Department that there would be personnel dedicated to issuing tow citations. He suggested modifying the VOP program to allow them to issue tow citations.

Ex Officio Member Woodworth asked about the capacity of the Equestrian Park. Commissioner Spiegel stated it was ideal since it was made for horse trailers.

Planning Director Mollica stated any site must meet be appropriately zoned. He stated the permit would be publicly noticed before going to the Planning commission. In response to Chair Frost, Planning Director Mollica explained that a temporary use permit (TUP) could be issued in commercial areas and was limited to events outside the location’s normal operations. He stated a TUP was good for 14 days and there was a limit of five TUP per year per site. He stated a better option would be a conditional use permit (CUP), which could be written for the full time it would be used as a tow yard.

In response to Commissioner Anneet, Planning Director Mollica explained a CUP required 21-day public notice before the Planning Commission hearing. He stated the application included a basic site plan, hours of operation and projected traffic information. He stated a CUP was appealable to the City Council. He stated the entire process, including a possible appeal, would take a couple of months.

In response to Commissioner Spiegel, Planning Director Mollica stated the City’s Local Coastal Program (LCP) and Malibu Municipal Code required a tow yard to
have a CUP. Commissioner Spiegel inquired if a TUP could be issued while waiting for the CUP to be processed.

Chair Frost thanked Planning Director Mollica for being available to answer questions. He asked about the use of the Equestrian Park by Malibu Ropers & Riders. He stated it was important to avoid conflicts with weekend events. He asked if they had to get TUPs for their events. Planning Director Mollica stated he did not know about their permitting.

Commissioner Spiegel stated City Manager Feldman advised him the City needed to amend the Joint Use Agreement with SMMUSD. He said this was the first he heard about a CUP being required. He asked if the City’s property at PCH and Heathercliff could be paved for use as a tow yard.

Chair Frost stated Ms. Winter advised him Sierra Towing had environmentally-friendly pads to place under cars on dirt lots. Commissioner Spiegel stated it would be a tough sell due to community concern about environmental impacts.

Commissioner Annet stated she did not see the CUP as a hurdle. In response to Commissioner Annet, Planning Director Mollica stated the second Planning Commission meeting in April was possible. He stated the Heathercliff lot was not zoned for a tow yard. He stated a paved lot would be better since a dirt lot would require dust and erosion control measures. Commissioner Annet stated there would be a lot of community objection to using the Heathercliff lot.

Commissioner Spiegel stated it was important to find a long-term solution so this process was not required every year. He stated the least objectionable location would be the high school lot and least resistance would be the equestrian center.

Vice Chair Stewart stated the lot was needed from Memorial Day through Labor Day. He agreed with Commissioner Annet that the Heathercliff property would not be accepted by the community as a tow yard. He stated the Equestrian Park would be easiest. He requested Lieutenant Braden comment on the Sheriff’s Department’s perspective.

Lieutenant Braden stated his plan would be to add two people on weekend days for towing issues. He confirmed the VOP could not have a vehicle towed. He stated people should be able to walk to retrieve their car. He stated the Equestrian Park and the high school were convenient to walk to from Zuma Beach. He stated it would be nice to have it in place by Memorial Day, but June was slower due to weather. He stated parking violations picked up in July and August.

Vice Chair Stewart thanked Lieutenant Braden for offering additional Community Service Community Services Officers (CSO) dedicated to parking issues.
Chair Frost stated he did not understand why VOPs could not have vehicles towed. He stated VIPs in Thousand Oaks, similar to Malibu’s VOP, could do that. Lieutenant Braden confirmed it was not included in the VOP duties.

Commissioner Spiegel asked if the two extra CSOs would be for all of Malibu or just in the Zuma Beach and Broad Beach area. Lieutenant Braden stated they would be dedicated to the west end.

Ryan Embree stated the Commission was violating the Brown Act by discussing the item before hearing from public speakers. He suggested the City consider placing a boot on cars, a procedure used by other cities. He stated a temporary facility was not a true definition of tow yard.

Judi Pace of Trancas Riders and Ropers expressed disappointment she was not notified of a discussion about using the Equestrian Park as a tow yard. She stated the only reason the park was not currently in use was COVID-19. She stated all the traffic would spook the horses. She stated it would be extremely unsafe with possible injuries to riders and horses. She stated there was a large population of riders in the City who used the Equestrian Park. She stated summer was when most shows took place. She discussed time needed to prepare before a show. She stated there would be serious damage to the trust between the City and the riders if the Equestrian Park was used as a tow yard.

Commissioner Spiegel stated his first choice would be the upper parking lot at the high school and his second choice would be the Equestrian Park.

Commissioner Anneet stated she respectfully disagreed. She stated she was under the impression the Equestrian Park was not being used. She suggested Mrs. Pace’s concerns and reports of activities on hold only due to COVID-19 should be investigated further.

Vice Chair Stewart agreed with Commissioner Anneet. He stated everyone agreed Malibu High School was the best option. He stated he would be in favor of moving forward with the high school and bring back the Equestrian Park only if that could not be done.

Ex Officio Member Woodworth agreed with Commissioner Anneet and Vice Chair Stewart. He stated additional research of a secondary site should only be necessary if arrangements to use the high school could not be done.

MOTION Commissioner Spiegel moved and Commissioner Anneet seconded a motion to revise the Commission’s February 3, 2021 recommendation to pursue the Malibu High School upper student parking lot as the first choice for a temporary tow yard
through an amendment of the City’s Joint Use Agreement with Santa Monica-
Malibu Unified School District. The question was called and the motion carried
unanimously.

Commissioner Spiegel stated he would continue discussion with Malibu Methodist
Nursery School. He stated the second choice should be the Malibu Equestrian Park
through issuance of a CUP.

Commissioner Anneet thanked Commissioner Spiegel for his efforts on this item
and for bringing options to be considered. Commissioner Spiegel stated he wished
there were more options.

ITEM 4 NEW BUSINESS

A. Public Safety and Preparedness Expo
Recommended Action: 1) Receive and file report on the annual Public Safety and
Preparedness Expo; 2) Discuss dates and options for holding a COVID-safe event;
and 3) Appoint two Commissioners to a Public Safety Expo Ad Hoc Committee to
work with staff on planning and coordination of the 2021 Expo.

Public Safety Manager Dueñas presented the report. She stated she was optimistic
that this year’s event could be scheduled if held outdoors and COVID-safe in
September.

Chair Frost asked if Ex Officio Member Woodworth could participate on an ad hoc
committee. Executive Assistant Linden stated she would check with the City Clerk.

In response to Ex Officio Member Woodworth, Public Safety Manager Dueñas
stated past events had a couple hundred participants.

Public Safety Manager Dueñas explained the extra expenses required for the event
held at Trancas Market. In response to Ex Officio Member Woodworth, Public
Safety Manager Dueñas confirmed there was a food truck and Los Angeles County
Fire Department and many other public safety agencies participated.

Executive Assistant Linden stated it was not recommended that an Ex Officio
Member be part of an ad hoc committee.

Commissioner Anneet asked if staff had reached out to the schools to encourage
student participation. Executive Assistant Linden stated staff had considered
reaching out to the Youth Commission in 2019, but the event date was changed to
June. She stated it would be possible to coordinate with Community Services staff
to see if the 2021-2022 Youth Commission could assist with the expo if it was
scheduled in September.
Commissioner Anneet volunteered to help with planning for the event.

**MOTION**

Vice Chair Stewart moved and Chair Frost seconded a motion to appoint Commissioner Anneet to work with staff on planning and coordination of the 2021 Expo to be scheduled in September 2021 as part of National Preparedness Month. The question was called and the motion carried unanimously.

**B. Public Safety Agency Activity**

**Recommended Action:** Discuss recent Public Safety Agency activities and receive and file monthly activity reports from the County of Los Angeles Sheriff’s Department, Fire Department and Lifeguards.

Ryan Embree restated it was a Brown Act violation to take Commissioner questions before hearing public speakers. He requested to be heard after the report.

Lieutenant Braden discussed statistics in January 2021 compared to prior years. He discussed recent mail thefts and vehicle break-ins by groups targeting Malibu.

Vice Chair Stewart stated it sounded like a pattern and a group of rings. He stated this was organized crime.

Lieutenant Braden stated he would have Detective Bureau Lieutenant Joey Fender attend the next Commission meeting to provide a presentation about ALPR. He stated there would be a cost to the City for LexisNexis, but it would be free to residents. He explained that crime information was entered to the system daily.

Chair Frost read from a note he received from Mark Russo, VOP, after the fire. He stated the note indicated a fire engineer asked him to find fire hydrant, which he found when his flashlight illuminated a blue reflector, and, in his opinion, blue reflectors should be installed in all areas of Malibu. Chair Frost stated Mr. Russo indicated this would have been a perfect opportunity for sirens in addition to the public address system, that he suggested adding siren tone capability to Sheriff vehicles, and that the City conduct a public awareness campaign to educate the public about what the sirens meant. Chair Frost stated the VOPs have been an invaluable asset. He suggested the community thank the VOPs at any opportunity.

Vice Chair Stewart stated the January fire activity report appeared to have more events than in the past. Fire Safety Liaison Vandermeulen stated the National Weather Service had predicted high winds but had not issued a Red Flag Warning. He said adjacent areas were in Red Flag conditions.

Acting Assistant Chief Drew Smith, Los Angeles County Fire Department, stated the fire looked preliminarily to be electrical in nature. He stated Red Flag conditions
were not necessary for a significant fire. He explained how and why Red Flag Warnings were issued. He stated he had been in contact with the City Manager regarding the fire and possible evacuations. He stated he determined the safest option was to have residents shelter in place since adequate resources were available to combat the fire.

Ex Officio Member Woodworth thanked Acting Assistant Chief Smith for excellent job addressing the fire and providing resources to quickly put it out. He stated communication was a challenge. He asked if there were recommendations about how much and what type of messaging should go out to the public. He stated warning systems were good but there needed to be standardized messaging.

Acting Assistant Chief Smith stated standards needed to be set for warning systems and the public educated about what they mean. He discussed sirens and how they could compromise fire response if people who heard a siren got on the roads. He stated he talked to City Manager Feldman and Public Safety Manager Dueñas about what type of notifications should be made. He stated notifications must come from unified source. He discussed multiple sources where people find and share information that is sometimes inaccurate. He stated a unified approach is necessary for consistency. He discussed coordination of evacuations between the Fire Department and law enforcement. He stated sirens can be good but must come with education so people know what it means and how they should react.

Lieutenant Braden stated the Sheriff's Department's initial response is to create a unified command with the Fire Department for a coordinated effort with the goal to preserve life.

Chair Frost commended the Fire and Sheriffs Departments for their response to the fire with no loss of life or homes.

Acting Assistant Chief Smith discussed the Woolsey Fire. He stated 250,000 people were evacuated, which was more than anywhere ever before. He stated the Knolls Fire was a small fire but had significant complexity with a nearby Southern California Edison plant, schools, and an apartment complex immediately threatened. He stated the excellent working relationship between the Sheriff's and Fire Departments resulted in success with a small but complex fire.

Commissioner Gibbs commended the Fire and Sheriff's Departments. In response to Commissioner Gibbs, Acting Assistant Chief Smith stated Code D (Determination) was called to have Fire and Sheriff's arson investigators determine the cause of the fire.

Ryan Embree requested more information about armed robberies. He stated many thefts in wealthy communities were not reported. He suggested organizing a sting
to investigate mail theft in Malibu. He stated at least two fire hydrants on Winter Canyon Road needed blue dots. He discussed difficulties waking people up when a fire occurred at night. He suggested using car horns to alert residents.

ADJOURNMENT

MOTION At 7:30 p.m., Commissioner Spiegel moved and Chair Frost seconded a motion to adjourn. The question was called and the motion carried unanimously.

Approved and adopted by the Public Safety Commission of the City of Malibu on ____________.

CHRIS FROST, Chair

ATTEST:

MARY LINDEN, Executive Assistant
To: Chair Frost and Members of the Public Safety Commission

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: March 25, 2021

Meeting date: April 7, 2021

Subject: Approval of Minutes – March 11, 2021


DISCUSSION: Staff has prepared draft minutes for the Public Works Commission and Public Safety Commission Joint Special Meeting of March 11, 2021. The minutes are hereby presented to the Public Safety Commission for approval and will be presented to the Public Works Commission for approval at its next Regular meeting on April 28, 2021.

Should the Public Works Commission approve the minutes with any edits, the revised minutes will be brought back to the Public Safety Commission for adoption.

ATTACHMENTS: Draft Minutes for the Public Works Commission and Public Safety Commission Joint Special Meeting of March 11, 2021
The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Public Works Commission Chair Merrick called the meeting to order at 5:12 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Public Works Commission Chair Brian Merrick; Vice Chair Lance Simmons (arrived at 5:13 p.m.); and Commissioners Scott Dittrich, Wade Major, and James Palmer; and Public Safety Commission Chair Chris Frost; Vice Chair Doug Stewart; Commissioners Daphne Annecit, Keegan Gibbs, and Joshua Spiegel; and Public Safety Commission Ex Officio Member Brent Woodworth

ALSO PRESENT: Rob DuBoux, Public Works Director; Travis Hart, Public Works Superintendent; Arthur Aladjadjian, Public Works Superintendent; Susan Dueñas, Public Safety Manager; Sarah Kaplan, Public Safety Specialist; Brandie Ayala, Senior Administrative Assistant; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Public Safety Commissioner Spiegel led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Public Safety Commissioner Gibbs moved and Public Works Commissioner Dittrich seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Senior Administrative Assistant Ayala reported that the agenda for the meeting was properly posted on March 5, 2021.

ITEM 1.A. PUBLIC COMMENTS

Scott Jacobs asked for an update on if speed humps would be added on Birdview Avenue and if not, how residents could get that going. He stated the difference in
traffic between Birdview Avenue and Dume Drive was significant. He stated petitions had been submitted and he had talked about it at the City Council meeting. He stated residents hoped to see it completed before summer.

ITEM 1.B. STAFF UPDATES

Public Works Director DuBoux stated he was requesting speed humps on Birdview Avenue be included in the Fiscal Year 2021-2022 budget. He stated staff was waiting for direction from the Council on funding. He stated the plan was to have the project design done in the spring and go out to bid in June or July for construction in the summer. He reported that Caltrans indicated it had upgraded all the traffic signals on Pacific Coast Highway (PCH) and replaced the backup batteries. He stated the signals at the PCH intersections at Cross Creek Road, Webb Way, Malibu Canyon Road and John Tyler Drive did not operate correctly during the last power outage. He stated Caltrans checked found the converters were not charging batteries properly. He stated the City requested every controller be checked, and Caltrans confirmed corrections were made and all the signals should now be working properly.

Public Works Superintendent Hart introduced himself to the new Commissioners. He discussed a fatal traffic collision that occurred just before 3:00 a.m. today. He stated PCH had been closed for the Sheriff’s investigation, and the closure was lifted before 10:00 a.m.

Public Safety Manager Dueñas discussed last night’s community meeting about the Draft Community Wildfire Protection Plan (CWPP). She stated the CWPP was posted on the City website at www.Malibucity.org/FireSafety and was open for review and comment through April 9, 2021. She announced Fire Safety Liaison Vandermeulen was leaving the City and an offer was made yesterday to someone with a great deal of firefighting experience who would start March 29. She stated she would introduce the new Fire Safety Liaison at future meetings.

ITEM 1.C. COMMISSIONER COMMENTS

Public Safety Commission Vice Chair Stewart asked if the petition for speed humps on Birdview Avenue had met the threshold for approval. Public Works Director DuBoux commended Mr. Jacobs for the completeness of his permit application. He stated the Birdview petition met all the requirements. In response to Public Safety Commission Vice Chair Stewart, Public Works Director DuBoux stated petitions had not yet been submitted for Broad Beach.

Public Works Commissioner Major stated he was reviewing the CWPP. In response to Public Works Commissioner Major, Public Safety Manager Duñas stated any questions or comments could be submitted to her at SDuenas@malibucity.org. She stated all questions and answers would be compiled and posted on the website.
Public Works Commissioner Palmer stated that an item to discuss parking at the former Chili Cook-Off site for the Malibu Farmers Market was pulled from a Public Works Commission agenda. He stated he had requested the issue be on this meeting’s agenda and was disappointed not to see it on the agenda.

Public Works Director DuBoux stated the Farmers Market parking issue was taken to the City Council. He stated the Council approved waiving the permit fees for parking on the City’s Aoki parcel. He stated the permit application was in process.

Public Works Commissioner Dittrich disclosed he met with Dana Clark regarding Item No. 4.A.

Public Safety Commission Chair Frost discussed the oversized vehicle ordinance that was rolled out this week. He stated it also encompassed commercial vehicles parked on City streets. He stated Public Safety Commissioner Spiegel and he were working to identify potential sites for a temporary tow yard for the summer. He stated he knew the new Fire Safety Liaison and was excited about the experience he brought to the position. He stated speed humps on Point Dume were a game-changer. In response to Public Safety Commission Chair Frost, Public Works Director DuBoux stated the Birdview Avenue speed humps would be included in the annual street maintenance project. In response to Public Works Commissioner Dittrich, Public Safety Commission Chair Frost stated the Commissions were scheduled to meet together annually. He agreed with Public Works Commissioner Palmer that parking for the Farmers Market was important.

Public Works Commission Vice Chair Simmens stated there was a lot of intersection between the two commission on the issue of parking. He stated the Public Works Commission thought it should have a say in discussions about parking in the City. He stated he looked forward to collaborating with the Public Safety Commission.

Public Safety Commission Chair Frost commended the Public Works Commission for recommending a parking improvements project on Westward Beach.

ITEM 2 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

A. Previously Discussed Items
   None.

B. New Items
   None.
ITEM 3 OLD BUSINESS

None.

ITEM 4 NEW BUSINESS

A. Traffic Concerns on Corral Canyon Road

Recommended Action: Provide comments to staff regarding the installation of a small changeable message sign (CMS) at the northern City limits on Corral Canyon Road.

Public Works Director DuBoux presented the report. He discussed public comment at the January 27, 2021 Public Works Commission meeting requesting a changeable message sign (CMS) be installed at the top of Corral Canyon to warn motorists of unsafe conditions if a fire was coming up the roadway. He stated there was not enough room for a vehicle to turn around.

Dana Clark, President of the Corral Canyon Fire Safety Alliance (CCFSA), stated this was one of the most significant issues that had not yet been addressed. He discussed the location of a blind hairpin turn near the El Nido neighborhood. He stated that in a significant fire with winds blowing up the grade, cars would not be able to see the risk. He stated both sides of the road have significant slopes and it was impossible to turn around and retreat back up the road. He stated a CMS would alert motorists not to go down that road. He stated the request had support from the El Nido and Malibu Bowl neighborhoods. He stated they also requested the CMS be a compact version with solar battery-back up to protect the community and park guests.

Public Safety Commission Vice Chair Stewart stated there may be other sites in the City with the same problem. He discussed people driving into flames on Latigo Canyon during a 2007 fire. He expressed concern about proper activation and liability to the City. He suggested looking into expanding the problem area to increase visibility.

Public Safety Commission Chair Frost agreed with Public Safety Commission Vice Chair Stewart. He suggested installing an all-weather turnaround at the bottom of the corkscrew to allow motorists to turn around and go back up the hill. He stated the park at the top of Corral Canyon would be closed during red flag conditions. He discussed the proximity to the City/County line. He stated the CMS would need to be placed on the County side. He stated the City section was too far down. He expressed concern about who would activate the text for the CMS.

Public Works Commissioner Major agreed with Public Safety Commission Chair Frost and Public Safety Commission Vice Chair Stewart. He asked Dr. Clark to confirm where he proposed the sign be placed. Dr. Clark stated it could go on either
side. Public Works Commissioner Major stated it looked like the best place would be on the shoulder. He expressed concern that the City did not have this type of signage anywhere before. He stated it was important to set a standard for consistency rather than tailor it just to this canyon. He stated it should be acceptable to the County. He expressed concern that the sign might not work as planned due to all the goes on at the beginning of a fire emergency. He asked if staff would be responsible for activating and ensuring the CMS text was correct.

In response to Public Works Commission Vice Chair Simmens, Public Safety Commission Chair Frost stated he thought an all-weather turnaround would be most effective to protect motorists coming down the hill since it would not require any activation. He stated he had seen only one fire that went up from PCH and one laterally. He suggested the CCFSA could operate a CMS for the community benefit.

Public Safety Commissioner Spiegel stated neighborhoods working together got things done. He stated it was important to get them what was necessary as quickly as possible to protect their lives. He stated the City could provide the necessary resources and let them run with it.

Public Safety Commissioner Gibbs agreed with Public Safety Commissioner Spiegel that it was most important to empower the communities.

Public Works Commission Chair Merrick expressed concern about liability from telling people not to go down if they then get caught in the fire going back up the canyon. He discussed potential costs if the City was requested to provide similar signs at other locations throughout the City. He expressed concern about who would be responsible for programming text during an emergency situation. He suggested a flip sign on hinges or flashing light that could be easily controlled by someone in the neighborhood.

Public Works Commissioner Dittrich agreed with Public Works Commission Chair Merrick. He discussed flashing lights on gates in his neighborhood that also had a sign explaining what it meant if the light was flashing. He questioned if there was enough room for a turnaround. He suggested bulldozing the shoulder to make it wider. He agreed with Public Safety Commission Vice Chair Stewart that this problem existed in other canyons. He suggested identifying other locations with similar issues. He stated a sign would warn visitors. He stated fires could possibly burn uphill. He suggested Corral Canyon be a pilot program. He stated Public Works Commission Chair Merrick’s suggested flip signs or flashing lights could be more cost-effective and installed more quickly.

Public Safety Commission Chair Frost agreed with Public Works Commission Chair Merrick about using flashing lights. He stated the CCFSA was one of strongest organizations in the Santa Monica Mountains area. He stated a CMS would have to be placed on the County side of Corral Canyon.
Public Works Commissioner Major asked what would be required and how the City could help if a sign had to be placed on the County side. Public Works Director DuBoux stated a simple sign would go through the County Department of Public Works (DPW) for an encroachment permit. He stated a CMS would be a challenge due to uncertainty of who would be responsible for activating it.

Public Works Commissioner Major discussed the location of a turnaround as suggested by Public Safety Commission Chair Frost.

Public Safety Commission Chair Frost stated that a CMS placed on private property on the east side of Corral Canyon would be high enough above the road to be seen. He stated it would require a coastal development permit (CDP).

Public Works Commissioner Major suggested putting alternative proposals before the residents. Dr. Clark stated the CCFSA could present the information. He stated a private property owner had offered to allow a sign to be posted on their property.

Public Safety Commission Chair Frost agreed with placing a flashing light on the private property. He noted that property was located in unincorporated Los Angeles County.

Public Safety Commission Vice Chair Stewart discussed chaos in the early time of a disaster situation. He stated there would not be enough people in the City to ensure it was done properly and timely. He agreed with Public Works Commission Chair Merrick’s suggestion of a flip sign that would be operated by local residents.

Public Safety Commission Ex Officio Member Woodworth stated when people were trying to get out during a fire, they might not be reading signs. He stated a turnaround was a great idea. He stated local capability to operate the sign was best. He stated information was as important as food and water in a disaster. He stated turnarounds would be helpful in other canyons as well.

Public Works Commissioner Dittrich discussed the liability of having a sign. He stated not having information is even worse. He agreed with Public Safety Commissioner Spiegel that it should be operated by locals. He agreed with using a flashing sign with a posted explanation.

Public Safety Commissioner Spiegel agreed with installing a turnaround. He stated it should be brought forward separately from a sign to avoid both being held up.

Public Safety Commission Chair Frost stated the Commissions could not vote on installing anything on County property.
In response to Public Safety Commission Chair Frost, Public Works Director DuBoux stated a turnaround on the City’s right of way could be investigated. He stated he could help connect the community with the right people in the County.

MOTION

Public Works Commission Vice Chair Simmens moved and Public Safety Commission Chair Frost seconded a motion to request that staff: 1) Investigate whether a changeable message sign on Corral Canyon Road would need to be installed on City or County property; 2) Investigate the viability of installing a turnaround in the City right-of-way at the bottom of the corkscrew section of Corral Canyon Road; and 3) report back to the Commissions to provide a recommendation to the City Council. The question was called and the motion carried unanimously.

B. Speed Concerns in Point Dume Neighborhood

Recommended Action: 1) Receive and file the traffic data collected from the speed advisory signs in the Point Dume Neighborhood the period of February 2020 to March 2021; and 2) Receive an update on the traffic speeds on Dume and Fernhill Drive after the speed humps were installed.

Public Works Director DuBoux presented the report. He explained the City’s process when the public submitted a request for installation of speed humps. He stated size and slope of the street was considered. He stated community support was indicated by petitions with signatures from owners of at least 60% of properties on the segment proposed for speed humps. He discussed how speeding at the location was evaluated. He discussed the 85th percentile and how it was applied. He stated traffic data supporting speed humps was presented to the City Council for authorization and funding. He stated the Point Dume speed humps have been very successful in reducing speeding.

Public Works Superintendent Hart discussed the Dume Drive and Fernhill Drive project to add 14 speed humps that was completed in December 2020. He explained the difference between speed humps and speed bumps. He stated there was some community resistance before construction but more support during and after installation. He discussed the Point Dume speed feedback signs. He explained the data reports. He discussed changes in data from February 2020. He stated speeds lowered significantly after speed humps were installed in December 2020. He stated the Dume Drive total vehicle count remained the same while the averaged daily speed decreased approximately five miles per hour (mph). He stated the decrease in average number of speed limit violations was most significant. He stated the Fernhill Drive total vehicle count increased but average daily speed decreased approximately three mph. He stated the data reports showed the positive impact of traffic calming devices.

Public Works Commission Chair Merrick stated he lived in Point Dume and agreed the speed humps had dramatically slowed cars. He asked why speed humps were not installed on Bluewater Road and Sea Lion Place. He suggested displaying
speeds up to 35 mph on the signs. He stated most people speeding were probably residents who were probably not aware of how fast they were going. He stated speed humps were needed on Birdview Avenue. He stated he expected numbers would go up once the school reopened. He stated Westward Beach traffic circled through Fernhill Drive.

Public Safety Commission Chair Frost stated local residents used Fernhill Drive. He asked if tree roots in the road by the speed signs could be removed. He indicated support for speed humps.

Public Works Commissioner Major asked if adjacent streets had shown increased speeding because motorists were avoiding the streets with speed humps. Public Works Director DuBoux stated placement on Fernhill Drive and Dume Drive was convenient. He stated Birdview Avenue might get some extra traffic. Public Works Superintendent Hart stated the data did not indicate that was happening. He agreed that Birdview Avenue volume and speeds were increasing somewhat.

Public Works Commission Chair Merrick stated other streets in Point Dume had speed humps earlier. He stated after Selfridge Drive saw increased traffic when humps installed on nearby streets, Selfridge Drive residents requested speed humps. He stated non-residents did not know which streets had humps or were unfamiliar with alternate routes.

Public Works Commissioner Major asked if speed humps would work on canyon mesa roads, such as Big Rock, where speeding was an issue. Public Works Director DuBoux stated streets with a slope greater than 6% were not recommended for speed humps.

Public Works Commission Chair Merrick stated the City would not look into additional speed humps unless a neighborhood petition was submitted or the City Council directed it.

Public Safety Commission Vice Chair Stewart discussed the history of speed data signs in Point Dume. He stated maximum speeds helped support the need for speed humps. He stated concerns expressed by some residents that the Fire Department would face delays due to speed humps had been diffused. He discussed Caltrans speed signs that displayed all speeds. He indicated support for speed humps on Birdview Avenue.

Public Safety Commissioner Gibbs commended the City for a wildly successful project. He stated shifts in traffic counts were affected by construction traffic. He agreed with Public Safety Commission Vice Chair Stewart about the importance of reducing the top speeds. He thanked Public Works staff for making this happen.
Public Safety Commissioner Spiegel stated this was great for the community. He discussed the need for blue dots to indicate locations of fire hydrants. Public Works Director DuBoux stated commissioners could notify Public Works staff any time they saw a location where blue dots were needed and they would be installed quickly.

Public Works Commission Chair Merrick thanked the Commissioners and staff for an excellent meeting.

ADJOURNMENT

MOTION  At 6:54 p.m., Public Works Commission Chair Merrick adjourned the meeting.

Approved and adopted by the Public Safety Commission of the City of Malibu on  ____________.

________________________
CHRIS FROST, Public Safety Commission Chair

Approved and adopted by the Public Works Commission of the City of Malibu on  ____________.

________________________
BRIAN MERRICK, Public Works Commission Chair

ATTEST:  

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BRANDIE AYALA, Senior Administrative Assistant
To: Chair Frost and Members of the Public Safety Commission
Prepared by: Susan Dueñas, Public Safety Manager
Approved by: Reva Feldman, City Manager
Date prepared: March 9, 2021
Meeting date: April 7, 2021
Subject: Automatic License Plate Readers (continued from January 6, 2021)

RECOMMENDED ACTION: Provide a recommendation to the City Council regarding the installation of additional Automatic License Plate Readers (APLRs) for use by the Sheriff’s Department and suggested locations, as appropriate.

DISCUSSION: At its Regular meeting on December 2, 2020, the Commission considered whether to make a recommendation to the City Council regarding the installation of additional Automatic License Plate Readers (ALPRs) for use by the Los Angeles County Sheriff’s Department in Malibu. At the time of the discussion, Commissioner Roberts was not in attendance. A motion was made to provide a recommendation to the City Council to approve installation of additional ALPRs, but the motion failed by a vote of 2-2. The Commission subsequently carried a motion to revisit the issue prior to the Fiscal Year 2020-2021 Budget cycle.

The Chair and Vice Chair met with the City Manager regarding several issues, including ALPRs, and together they decided it would be best for this item to be brought back to be voted on again at the next meeting when the full Commission was in attendance. The item was included on the January 6, 2021 agenda but was continued without discussion.

ATTACHMENTS: January 6, 2021 Public Safety Commission agenda report (Item No. 3.A.)
To:              Chair Frost and Members of the Public Safety Commission
Prepared by:    Rob DuBoux, Public Works Director
Approved by:    Reva Feldman, City Manager
Date prepared:  December 18, 2020  Meeting date: January 6, 2021
Subject:        Parking Restrictions Along Pacific Coast Highway

RECOMMENDED ACTION: Receive and file report on the status of the City’s current efforts on parking restrictions along Pacific Coast Highway (PCH) and provide feedback to staff for locations for additional parking restrictions.

DISCUSSION: The City has recently implemented the following parking restrictions along PCH:

Las Tunas Beach
On March 2, 2020, the City obtained a Coastal Development Permit (CDP) to install parking restrictions on PCH at Las Tunas Beach. The parking restrictions include no parking on the land side from 12:00 a.m. to 2:00 a.m. and no parking on the beach side from 2:00 a.m. to 4:00 a.m. These parking restrictions require vehicles to relocate during the restricted time period. Staff continues to monitor the parking signs and replace any damaged or missing signs.

Corral Canyon Beach
On October 19, 2020, the City obtained a CDP to install parking restrictions on PCH along Corral Canyon Beach (Malibu Road to Corral Canyon Road). The parking restrictions include no parking on the land side from 12:00 a.m. to 2:00 a.m. and no parking on the beach side from 2:00 a.m. to 4:00 a.m. These parking restrictions require vehicles to relocate during the restricted time period. These parking restrictions were recently implemented with enforcement by the Sheriff’s Department and the City’s Volunteers on Patrol (VOP).
Zuma Beach
On October 19, 2020, the City obtained a CDP to install parking restrictions on the beach side of PCH along Zuma Beach (Busch Drive to Trancas Canyon Road). Parking on the land side of this section of PCH is currently prohibited at all times. The CDP allows new parking restrictions to include no parking on the beach side of PCH between the west edge of the Zuma Beach parking entrance to the east property boundary of 30245 PCH from 12:00 a.m. to 2:00 a.m., and no parking from the west property boundary of 30245 PCH to the east edge of Trancas Canyon Road from 2:00 a.m. to 4:00 a.m. These parking restrictions require vehicles to relocate during the restricted time periods.

These parking restrictions were recently implemented with enforcement provided by the Sheriff’s Department and VOP.

Temporary No Parking Signs
In response to the increase in cases of COVID-19 in Los Angeles County, the City filed a new emergency request with the California Coastal Commission to re-install temporary no parking signs in multiple locations in Malibu that were taken down when limitations for public gatherings were laxed. The intent is to limit social gatherings and promote physical distancing to preserve the public's health. Signs were installed along PCH by Latigo Shore Drive, Rambla Vista and west of Trancas Canyon Road.

Staff requests feedback from the Public Safety Commission regarding locations for additional parking restrictions on PCH.

ATTACHMENTS: None.
RECOMMENDED ACTION: 1) Receive a report on the City’s Nuisance Abatement Code (MMC Chapter 8.28); 2) review similar codes in other cities; and 3) provide a recommendation to the City Council on any suggested amendment(s) to MMC 8.28, if appropriate.

DISCUSSION: Malibu Municipal Code (MMC) Chapter 8.28, of Title 8 Health and Safety (Attachment 1) outlines regulatory, administrative and penalty provisions related to nuisances on property and includes the following sections:

- Nuisance defined
- Duty of owner or possessor of property
- Notice to abate nuisance
- Contents of notice
- Hearing and decision
- Abatement by city – Notice of Charge
- Lien
- Charges to be billed on tax bill
- Court action
- Summary abatement
- Attorney fees

In November 2020, the City experienced a nuisance on undeveloped private property – homeless encampments with warming fires that caused two separate brush fires in less than a week — that required immediate remediation to protect the surrounding
neighborhoods. The current nuisance abatement code provides a mechanism for a summary abatement, but it requires the approval of the City Council and therefore does not provide for an immediate remediation. To mitigate the immediate threat, the City was compelled to resolve the problem without following the steps in the code, which left the City in a weak position for being compensated by the property owner for the remediation that was done.

In reviewing the City’s current code and codes in similar cities, staff determined that there are two key sections of the City’s code that could be strengthened to enable the City to more quickly and effectively address a nuisance that poses a safety threat to adjacent properties. The two sections that could be strengthened include the definition of a nuisance and summary abatement as follows:

**Definition of a nuisance**
The City’s code defines a nuisance in MMC Section 8.28.010 as:

“any activity, building, condition, development, installation, land, occupancy, structure or use that violates the municipal code or the City’s Local Coastal Program Local Implementation Plan (or any condition of any permit or license approved pursuant thereto), as well as anything which is injurious to health or safety, or that is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any street and affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

It can be interpreted that an encampment on private property that has a potential to have a warming fire is a “condition” that could be “injurious to health or safety” and is therefore a nuisance. However, it is not as specific as definitions included in nuisance codes in other cities that have a similar concern.

The City of Agoura Hills Municipal Code Section 5604, Item 11 (Attachment 3) and City of Westlake Village Municipal Code Section 4.8.010-B-3 (Attachment 4) include in their definition of a nuisance language specific to a fire hazard. The City of Carlsbad’s Public Nuisance and Property Maintenance code Section 6.16.010 (Attachment 5) includes in its definition conditions that “may cause harm to the property or improvements located in the immediate vicinity of the property.” The City of Westlake Village’s Municipal Code Section 4.8.010-B-5 also includes in its definition language describing an “attractive nuisance” that includes conditions that are attractive to “vagrants” (Attachment 4).

Providing more clarity in the definition of a nuisance would assist both property owners and City staff responsible for abating nuisances.
Summary Abatement
The City of Malibu’s nuisance code allows for a summary abatement, or an immediate abatement, of a nuisance by the City as follows:

Notwithstanding any provisions of this chapter, the city council may cause a nuisance to be summarily abated if the city manager determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place, or area involved of the nuisance and request him or her to immediately abate the nuisance. If, in the sole discretion of the city council the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved.

Requiring the approval of the City Council to abate a nuisance that is an immediate threat to safety reduces staff’s ability to act quickly, since the request needs to be brought to a meeting of the City Council. The City Council meets twice per month and, depending on the timing, it can take two or more weeks to obtain approval for a summary abatement. Codes in other cities frequently empower a department head or city manager with this authority. Both the Cities of Calabasas, in Section 8.20.140 (Attachment 2), and Agoura Hills, in Section 5611 (Attachment 3), empower the community development director to implement a summary abatement, and the City of Westlake Village, in Section 4.8.150 (Attachment 4), empowers the city manager or designee to implement a summary abatement.

Staff recommends that the Commission review Malibu’s current Nuisance Abatement code and the codes of similar cities and provide a recommendation to the City Council for amendments that would strengthen the City’s code so safety threats can be remediated more quickly and effectively.

ATTACHMENTS:
1. City of Malibu Nuisance Abatement Code (MMC 8.28)
2. City of Calabasas Public Nuisance and Abatement Code
3. City of Agoura Hills Nuisance Abatement Code
4. City of Westlake Village Property Maintenance Code
5. City of Carlsbad Public Nuisances and Property Maintenance Code
8.28.010 Nuisance defined.

For the purposes of this chapter, a nuisance shall be defined as any activity, building, condition, development, installation, land, occupancy, structure or use that violates the municipal code or the City’s Local Coastal Program Local Implementation Plan (or any condition of any permit or license approved pursuant thereto), as well as anything which is injurious to health or safety, or that is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any street and affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Notwithstanding any provisions of this chapter, the city council may define by ordinance any particular condition constituting a nuisance. (Ord. 453 § 4, 2019; prior code § 4300)

8.28.020 Duty of owner or possessor of property.

Every person who shall own or be in possession of any property, place or area within the boundaries of the city shall, at his or her own expense, maintain the property, place or area free from any nuisance. (Prior code § 4301)

8.28.030 Notice to abate nuisance.

Whenever the city council determines that a nuisance exists upon any property, place or area within the boundaries of the city, the city manager may notify in writing the owner or person in possession of the property, place or area to abate the nuisance within fifteen (15) days from the date of the notice. The notice shall be given by registered or certified mail addressed to the owner or person in possession of the property, place or area at his or her last known address. (Prior code § 4302)

8.28.040 Contents of notice.

The notice shall state that if the nuisance is not abated or good faith efforts towards abatement not been made to the satisfaction of the city manager within fifteen (15) days from the date thereof, a hearing shall be held before the city council to hear any protest of the owner, possessor or other interested person. The notice shall specify the time, date and place of the hearing, which shall be set for the regular meeting of the council next following the expiration of the fifteen (15) day period. (Prior code § 4303)

8.28.050 Hearing and decision.

If the nuisance is not abated or good faith efforts towards abatement have not been made within the time set forth in Section 8.28.030, the city council shall conduct a hearing at the time and place fixed in the notice at which evidence may be submitted by interested persons. Upon consideration of the evidence, the council may declare the condition to constitute a public nuisance and order the abatement thereof. The
decision of the city council shall be final. The city clerk shall notify all owners and possessors of the subject property, place or area of the decision of the council. (Prior code § 4304)

8.28.060 Abatement by city—Notice of charge.

Upon failure, neglect or refusal by a person notified pursuant to Section 8.28.050, to abate a nuisance within thirty (30) days after the date of notice, the city council is authorized to cause the abatement of the nuisance and pay for the abatement. A warrant shall be obtained prior to abating the nuisance where required by law. The city council shall notify, in writing, the owner or possessor of the property, place or area upon which a nuisance has been abated by the city, of the cost of said abatement. Such notice shall be given in the same manner as required by Section 8.28.030. The notice shall also offer the property owner the opportunity to appear before the council to protest the cost amount. (Prior code § 4305)

8.28.070 Lien.

If the total cost of the abatement of the nuisance by the city is not paid to the city in full within ten (10) days after the date of the notice of the cost of the abatement, or within ten (10) days after the council has heard a protest from the property owner, if any, and has confirmed the final cost, the city clerk shall record, in the office of the county recorder, a statement of the total balance due to the city, a legal description of the property, place or area involved, and the name of the owner or possessor concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire amount due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full. (Prior code § 4306)

8.28.080 Charges to be billed on tax bill.

The city may also, in accordance with the provisions of the laws of the state of California, cause the amount due to the city by reason of its abating a nuisance together with interest at the maximum legal rate, accruing from the date of the completion of the abatement, to be charged to the owners of the property, place or area on the next regular tax bill. All laws of the state of California applicable to the levy, collection and enforcement of city taxes and county taxes are made applicable to the collection of these charges. (Prior code § 4307)

8.28.090 Court action.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the city pursuant to any other provision of law. (Prior code § 4308)

8.28.100 Summary abatement.
Notwithstanding any provisions of this chapter, the city council may cause a nuisance to be summarily abated if the city manager determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of the population. Prior to abating the nuisance, the city manager shall attempt to notify the owner or possessor of the property, place, or area involved of the nuisance and request him or her to immediately abate the nuisance. If, in the sole discretion of the city council the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the city may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The city shall notify in writing the owner or possessor of the property, place or area upon which a nuisance has been abated by the city, of the cost of said abatement. Such notification shall be given in the same manner as required by Section 8.28.030. The provisions of Sections 8.28.070 through 8.28.090 shall be applicable. (Prior code § 4309)

8.28.110 Attorney fees.

A. The prevailing party of any action, administrative proceeding, or special proceeding to abate a nuisance or to cause the abatement of a nuisance shall be entitled to recover attorney fees. Attorney fees shall not be recoverable unless the city elects in writing, at the initiation of that individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

B. Unpaid attorney fees shall be collectible in any manner allowed by law. (Ord. 387 § 1, 2015)
City of Calabasas

Chapter 8.20 - PUBLIC NUISANCE AND ABATEMENT

Sections:

8.20.010 - Title.

The ordinance codified in this chapter shall be known as the "Public Nuisance Abatement Ordinance of Calabasas."

(Ord. 2006-228 § 2, 2006: Ord. 94-68 § 1, 1994)

8.20.020 - Purpose.

This chapter is adopted to declare what constitutes a nuisance and to establish procedures to abate nuisances and to recover the cost of doing so from those responsible for the nuisances. The city council declares that adoption of this chapter is in the public interest and promotes the health, safety, and welfare of residents of Calabasas.

(Ord. 2006-228 § 3, 2006: Ord. 94-68 § 2, 1994)

8.20.030 - Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Enforcement officer" means an individual designated by the city manager to act under this chapter or who otherwise has authority to issue notices of violation of this Code.

"Nuisance" means a nuisance as defined in this chapter, elsewhere in this Code, by another ordinance of the city, or by other law.

"Responsible person" means and includes each or any of the following:

1. A person or corporate entity that, by action or inaction, causes, maintains, permits, or allows a nuisance;
2. A person or corporate entity whose agent, employee, or independent contractor, by action or inaction, causes, maintains, permits, or allows a nuisance;
3. An owner, in whole or in part, of real property on which a nuisance occurs, exists, or is maintained;
4. A lessee or sublessee with a current right of possession of real property on which a nuisance occurs, exists, or is maintained;
5. A person or corporate entity that uses real property on which a nuisance occurs, exists, or is maintained;
6. An on-site manager who regularly works on real property on which a nuisance occurs, exists, or is maintained, and who is responsible for the business or other activities on that real property;
7. The owners, majority stockholders, corporate officers, trustees, general partners or any other person with the authority to act for a legal entity such as a corporation that is a responsible person under any or all of subsections 1 through 6 above;
8. If any of the above persons are minors or incompetent, the parents or guardians of such persons shall be deemed responsible persons during such minority or incompetence.

"Service" means, except as expressly otherwise provided by this chapter, delivery of any notice or other document to a responsible person by personal delivery, or by deposit in the United States mail addressed to a responsible person at his, her or its last address known to the city, or if the responsible person is an owner of the property, at the owner’s address as it appears on the last equalized or supplemental assessment roll of Los Angeles County, whichever is more current, or, in the alternative, by placement of a legal advertisement at least once a week for two weeks in a newspaper of general circulation in the city. Service by mail of a notice or other document in the manner provided for in this section shall be effective on the date of mailing. The failure of any person to actually receive such notice shall not affect the validity of the notice or any proceeding if the requirements of this section are satisfied.

(Ord. 2006-228 § 4, 2006: Ord. 94-68 § 3, 1994)

8.20.040 - Declaration of nuisances.

A. Unlawful Nuisances Visible from Off-Site. Except as expressly allowed by any other provision of law, including this Code, it is unlawful for any responsible person to maintain property in the city, or to allow property in the city to be maintained, such that any of the following conditions are visible from a street, other public right-of-way, from neighboring property or from portions of the property held open to the general public:

1. Unlawful Outdoor Storage and Conditions.
   a. An accumulation of abandoned, discarded, or dilapidated objects, including, but not limited to, junk; abandoned, wrecked, dismantled or inoperative vehicles; vehicle parts and equipment; machine parts, scrap material, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, scrap metal, wood, plant cuttings, rubbish and debris or similar matter which constitutes a threat to public health or safety or renders any premises unsightly and detrimental to the general public welfare;
   b. Maintaining or failing to maintain property so as to allow conditions that are dangerous and accessible to children or other members of the public, including, but not limited to, abandoned, broken, neglected or unsupervised vehicles, machinery, equipment, lights, light fixtures, refrigerators and freezers, pools, ponds and excavations, as well as all other items and conditions identified in Penal Code Section 402(c) and Health and Safety Code Section 24400;
   c. Materials or other items stacked above any fence or in a manner by which the materials could be discharged into a storm drain system or otherwise violate the Federal Clean Water Act or other applicable federal, state, or local law. Nothing in this section shall be construed to prohibit the orderly outdoor storage of business-related materials and inventory above fence height where permitted by applicable zoning designation, rules or regulations;
   d. The placement of items of business inventory, refuse containers, equipment, vehicles, or any other obstruction on a street, sidewalk or parking areas developed or intended for use by the public or by invitees onto the property;
   e. Materials stored or stacked on property in a disorderly or unsightly manner or in a manner by which the materials could be discharged into a storm drain system or otherwise violate the Federal Clean Water Act or other applicable federal, state, or local law;
   f. Boats, trailers, recreation vehicles, motor vehicles, parts thereof, or other articles of personal property which are left in a state of partial construction, dilapidation or disrepair; or which are parked or stored in violation of applicable zoning designation, rules or regulations;
   g. Packing boxes, pallets, lumber, junk, trash, salvage materials, or other debris;
h. The storage of firewood or other flammable materials other than in compliance with standards relating to the safe storage of combustible materials established in writing by the Los Angeles County fire department or by applicable state or local statute;

i. Keeping, maintaining or having any abandoned, wrecked, dismantled, partial, or inoperative motor vehicle located on real property.
   i. A vehicle is inoperative, if:
      (A) The vehicle is not immediately capable moving under its own power at a legal speed,
      (B) The vehicle, even if mechanically operative, does not have operable brakes, head lights, tail lights, turning signals, or any other equipment required under the California Vehicle Code or other law for legal operation on public streets,
      (C) The vehicle, even if mechanically operative, is not licensed and registered in compliance with the California Vehicle Code.
   ii. This section does not apply if such inoperative vehicle is completely enclosed within a building in a lawful manner and does not constitute a fire, health or safety hazard.

2. Landscaping/Vegetation.
   a. Maintaining or failing to maintain property, even if not visible as set forth above, so as to allow overgrown vegetation or the accumulation of dirt, litter, trash or debris, dead organic matter, garbage, stagnant water, combustible materials and similar materials or conditions that provide a likely habitat for vermin, insects or rodents of any kind, from which foul smells or odors emanate, or which constitute undue fire, health or safety hazards or other danger to public safety and welfare;
   b. Overgrown vegetation likely to harbor rats, vermin and other nuisances, growing into the public right-of-way, or obstructing the necessary view of drivers on public streets or private driveways;
   c. Failure to comply with the requirements set forth in any city zoning approval or permit applicable to the premises.

3. Trash, Litter, Trimmings, Oil and Debris.
   a. The accumulation of litter, debris, trimmings or trash on any property, including sidewalks, gutters, storm drains, driveways, walkways, alleyways, parking lots or a public right-of-way or from which a continuous, offensive odor emanates, even though not visible as set forth above;
   b. Pooled oil, water, or other liquid accumulation, flowing onto the street, or into a storm drain system, or excessive accumulations of grease or oil on paved surfaces or in storm drain systems.

4. Trash Containers.
   a. Trash, garbage or refuse cans, bins, boxes or other such containers or which emanate a continuous, offensive odor, even though not visible as set forth above. Nothing in this section shall be construed as prohibiting the outdoor storage of any type of trash receptacle if such receptacle is screened from view from a street, public right-of-way, any public right-of-way or neighboring properties in a manner approved by the community development director and consistent with applicable zoning designations, rules or regulations;
   b. Any occupied property without regular and adequate trash collection service;
   c. Trash containers without secure, firmly fitting covers or evidencing an overflow of trash and/or other debris.

a. Any building or structure determined to be a dangerous building or a substandard building, buildings which are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials or which are left in a state of partial construction, buildings subject to demolition pursuant to applicable provisions of this Code or other authority, for which demolition has not been diligently pursued, and such buildings which are unpainted or where the paint on the building exterior is significantly cracking, peeling, chalking or worn off;

b. Unsecured buildings constituting hazardous conditions or which invite or permit trespass or malicious mischief;

c. Awnings, covers, canopies, umbrellas, screens, lights, light fixtures or other window coverings or building structures which are damaged, torn, severely faded, rusted, bent, unpainted or otherwise in substantial disrepair.

6. Fences and Gates. Fences or other structures on private property which are sagging, leaning, fallen, decayed, extend into a public right-of-way or are otherwise dilapidated or unsafe.

7. Graffiti. Graffiti or other words, lettering or drawings not otherwise permitted by the provisions of this Code, which remain on the exterior of any building, fence or wall more than ten (10) days after written notice to remove the same has been given by the community development director.

8. Parking Limitations. Vehicles, whether motorized or nonmotorized, parked within any required setback or on any surface which has not previously been approved for parking pursuant to this Code.

9. Parking Strips. Allowing an accumulation of junk, rubbish, debris, or dead, decayed or overgrown vegetation in that area between the property line and the street adjacent to a given parcel commonly known as a "parkway."

10. Miscellaneous. Any other condition or use of property which the community development director reasonably determines to be a threat to the health and welfare of the public by virtue of its unsafe, dangerous, hazardous, or offensive nature, or which is so out of harmony with the standards of properties in the vicinity as to cause substantial diminution of the enjoyment, use, or value of such properties.

Nothing in this section shall be construed as prohibiting the orderly outdoor storage of business-related materials and inventory where permitted by applicable zoning designation, rules or regulations.

B. Additional Unlawful Nuisances. Except as may be authorized by this Code, it is unlawful for any responsible person to maintain, or to allow another to maintain, property in the city so that any of the following conditions exist thereon:

1. Property maintained in violation of the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, 2001 Los Angeles County Building Code, 2001 Los Angeles County Plumbing Code, 2001 Los Angeles County Mechanical Code, 2004 Los Angeles County Electrical Code or the Uniform Fire Code as either has most recently been adopted by the city or the Los Angeles County fire protection district;

2. Unpainted buildings and those having dry rot, warping or termite infestation. Any building on which the exterior paint or stucco has deteriorated so as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly or in a state of disrepair;

3. Buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, which constitutes a hazard and/or invites trespassers or malicious mischief. Plywood or other material used to cover broken or missing windows, if permitted under this Code, shall be painted in a color or colors compatible with the remainder of the building;
4. Building exteriors, walls, fences, driveways, sidewalks or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;

5. Construction equipment or machinery of any type or description parked or stored on property so as to be visible from a street or other public right-of-way, except:
   a. During excavation, construction or demolition operations covered by an active building permit on the subject property or an adjoining property, or
   b. When such machinery is stored in compliance with the provisions of this Code;

6. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust to escape the site, or the accumulation of dirt, sand, gravel, concrete, litter, debris or other similar material on the property or such accumulation even if not visible if those materials could be discharged into a storm drain system, create a health or safety hazard, or otherwise violate the Federal Clean Water Act or other applicable federal, state, or local law;

7. Maintaining or failing to maintain property so as to allow dead, decayed, diseased or hazardous trees, weeds or overgrown vegetation, cultivated or uncultivated, except as otherwise regulated by Section 17.26.070 of this Code regarding oak trees;

8. Maintaining property, the topography or configuration of which, whether in its natural state or as a result of grading operations or other earth movement activities, causes or will cause erosion, subsidence or surface water runoff injurious to public health or safety;

9. Keeping or maintaining on property any live or dead animal, reptile or insect in such a manner as to pose a threat, disturbance, danger or menace to the health or safety of the community;

10. Keeping or maintaining on property accumulations of animal manure or other animal matter of any kind or character from which smells or odors emanate or which provide or are likely to provide a breeding place for vermin, insects or rodents of any kind;

11. Keeping, operating or maintaining any machinery on real property which by reason of dust, exhaust or fumes creates a health or safety hazard;

12. Maintaining any building, structure or property which has been constructed or is maintained in violation of any specific requirements or prohibition applicable to the building or structure or property contained in the building and construction or zoning regulations of this city or any law of the state or ordinance of the city relating to the condition, location, maintenance or construction of buildings and property;

13. Abandoning or vacating any building or structure so that it becomes readily available to unauthorized persons, including but not limited to juveniles, vagrants or persons engaged, in illegal gang or drug activity;

14. Any other condition that is contrary to the public peace, health, and safety or otherwise prevents the enjoyment or reasonable use of property.

(Ord. 2006-228 § 5, 2006; Ord. 2006-216 § 1, 2006; Ord. 94-68 § 5, 1994)

8.20.050 - Authority to inspect.

Enforcement officers are authorized to enter upon any property or premises within the city to ascertain whether a nuisance as defined in this chapter exists, and to make any examination and surveys as may be necessary in the performance of their enforcement duties, in accordance with Fourth Amendment of United States Constitution and the related protections of the California Constitution. These inspections may include the taking of photographs, samples, or other physical evidence. All inspection, entries, examinations and surveys shall be performed reasonably and in accordance with law. If an owner or occupant of property or his or her agent refuses to consent to entry and inspection, an enforcement officer shall seek an administrative inspection warrant pursuant to law.
8.20.060 - Notification of and request to abate nuisance.

A. All property found to be maintained in any manner that is described in this chapter shall be abated by rehabilitation, demolition or repair pursuant to the procedures set forth in this section.

B. The procedures for abatement set forth in this section shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law.

C. When an enforcement officer determines that a nuisance exists, he or she shall serve on the responsible person(s) a written notice of such determination and a request to abate the nuisance. The request shall identify the address at which the nuisance exists; describe the nuisance to be abated; set forth a reasonable time to abate the nuisance; if necessary, request particular corrective actions to accomplish the abatement; warn the responsible person(s) of the consequences of failing to complete abatement within the prescribed time limit; set forth appeal rights; and reference this chapter. Unless an immediate threat to the health, welfare, or safety of the public exists, the time limit for abatement shall be at least ten (10) days.

D. Such notice shall also be served upon owner of the property in accordance with the provisions of Section 8.20.080 of this chapter.

8.20.070 - Hearing to abate nuisance.

In the event a responsible person(s) shall fail, neglect or refuse to comply with a notice to correct a nuisance within the time set forth for abatement pursuant to Section 8.20.060(C) of this chapter, the community development director shall conduct an administrative review hearing to ascertain whether or not the violation constitutes a nuisance as set forth in this chapter or in any other applicable law.

8.20.080 - Notice of hearing.

A. Notice of the community development director's administrative review hearing shall be served upon the responsible person(s) not less than fourteen (14) days before the time set for the hearing.

B. Notice of the hearing shall include the time and date of the hearing, a list of the nuisance violations on the property and a statement requesting the responsible person(s)' attendance at the hearing.

C. The notice shall be served as provided in Section 8.20.030(D) of this chapter.

D. A responsible person may request one continuance of a hearing provided he or she does so in writing before the date of the hearing and states a reasonable basis for the request. Unless the city issues a written notice of continuance, the hearing shall take place on the date, time, and location specified in the notice of hearing. A responsible person's failure to attend or to be represented at a hearing shall constitute an abandonment of the appeal and a failure to exhaust administrative remedies.

E. Each and every responsible person given notice of a nuisance as required by this chapter is jointly and severally liable for the abatement of any nuisance, the costs of abatement, and any related fines, penalties, and interest imposed.
8.20.090 - Hearing procedure.

A. At the time, date and location stated in the hearing or continuance notice served upon the responsible person(s), the community development director shall hear and consider all relevant evidence, objections or protests and shall receive testimony from responsible person(s), witnesses, city personnel and other interested persons relative to the alleged nuisance and to the proposed rehabilitation, repair or demolition of the property upon which the alleged nuisance exists.

B. The request for abatement and any supporting documents prepared by the enforcement officer shall be accepted by the community development director and shall constitute prima facie evidence of the facts stated in such documents.

C. The community development director may continue the hearing from time to time and allow the responsible person(s) additional time to abate the nuisance. In addition, the community development director may request additional information or evidence from the responsible person(s) or from the enforcement officer. The enforcement officer and other representatives of the city may, but need not, attend the hearing.

D. All hearings shall be recorded on a video or audio device, unless the city elects to use a court reporter. If a court reporter is not used, the city need not provide transcriptions of any hearings, but, within fifteen (15) days after payment of reasonable duplication fee, shall provide a copy of the video or audio recordings to the responsible person(s) or any interested third party. If a court reporter is used, a responsible person or any interested third party may obtain a copy of the transcript upon payment of any fees or costs incurred by the city to provide the transcript.

E. The hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is of a type upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make such evidence inadmissible in a civil action. The community development director may exclude irrelevant or unduly repetitious evidence.

F. After considering all testimony and evidence submitted at the hearing, the community development director shall issue a written decision to affirm, modify, or dismiss the request to abate. The decision shall include the community development director's findings and give notice of the right to seek judicial review pursuant to Code of Civil Procedure Section 1094.5 following a timely appeal to the city manager as provided in Section 8.20.110 of this chapter. If the community development director determines that a nuisance exists, he or she may declare the property to be a public nuisance and order the abatement of the nuisance within thirty (30) days by having such property, building(s) or structure(s) rehabilitated, repaired or demolished. If the nuisance is declared an immediate threat to the health, welfare, or safety of the public the community development director may direct the responsible person(s) to abate the nuisance within a ten-day, or shorter, period of time after service of the decision.

G. A copy of the community development director's order shall be served on all owners of the subject property, any other responsible person(s) in accordance with the provisions set forth in Section 8.20.030 of this chapter, and to any owner of property within the vicinity of the subject property who requests such notice or who appeared at the hearing. Failure of any interested third party to receive such notice shall not impair the effectiveness of the community development director's decision.

(Ord. 2006-228 § 10, 2006; Ord. 94-68 § 9, 1994)

8.20.100 - Appeal procedures.

A. Any responsible person entitled to service under this chapter may appeal a decision of the community development director under Section 8.20.090 of this chapter by filing with the city clerk within ten (10) days of service of such decision, a written, appeal containing the following information:

1. The property which is the subject of the nuisance abatement proceeding;
2. The names of all persons on whose behalf the appeal is filed;
3. The interest of each appellant in the property involved in the proceeding;
4. The reasons for the appeal, together with any material facts supporting the contentions of the appellant(s);
5. The signatures of all appellants, and their mailing addresses.

B. As soon as practical after receiving the written appeal, the city clerk shall set a date for hearing of the appeal by the city manager, which date shall not be less than seven days nor more than thirty-five (35) days from the date the appeal was filed.

C. Appellant(s) shall be responsible for paying an appeal fee prior to the date of the hearing in an amount established from time to time by resolution of the city council.

D. The city clerk shall serve, in the manner provided in Section 8.20.030 of this chapter, written notice of the time and the place of the hearing at least five days before the date of the hearing to each appellant.

E. Continuance of the hearing may be granted by the city manager on request of the appellant(s) for good cause shown, or on the city manager's own motion.

(Ord. 2006-228 § 11, 2006: Ord. 94-68 § 10, 1994)

8.20.110 - Appeal decision.

A. Upon conclusion of a hearing on an appeal filed under Sections 8.20.100 or 5.18.120 of this chapter, the city manager shall do one (1) of the following:
   1. Terminate the proceeding and dismiss the matter;
   2. Confirm the decision of the community development director; or
   3. Modify such decision based upon evidence adduced at the hearing on the appeal.

B. Unless he or she dismisses the matter, the city manager shall declare such property to be a public nuisance and order the abatement of that nuisance within twenty (20) days by having such property, buildings or structures, rehabilitated, repaired or demolished in the manner and means specifically set forth in the city manager's order.

C. The decision of the city manager shall be served as required by Section 8.20.120 of this chapter and shall be subject to judicial review in the manner specified in Code of Civil Procedure Section 1094.5. The timely filing and diligent prosecution of a request for a hearing before the community development director and of an appeal to the city manager are administrative remedies which must be exhausted before judicial review may be sought.

(Ord. 2006-228 § 12, 2006: Ord. 94-68 § 11, 1994)

(Ord. No. 2013-306, § II, 10-9-2013)

8.20.120 - Service of order to abate.

A. The city manager's order regarding the abatement of a nuisance shall be served upon the responsible person(s) in accordance with the provisions of Section 8.20.030 of this chapter, and shall describe needed corrections or other means to abate the nuisance.

B. A responsible person shall have the right, at his or her expense, to have any such property rehabilitated or to have such buildings or structures demolished or repaired in accordance with the city manager's order, provided the repair, demolition or rehabilitation is commenced prior to the expiration of the twenty-day period immediately after the city manager's order is issued and is thereafter diligently and
continuously prosecuted to completion. Upon completion of such abatement by the responsible person(s) to the satisfaction of the city manager, proceedings hereunder shall terminate.

(Ord. 2006-228 § 13, 2006: Ord. 94-68 § 12, 1994)

8.20.130 - City abatement.

If a nuisance is not abated as directed by the city manager by the time set forth in Section 8.20.120 of this chapter, the city may abate the nuisance. Before the city makes inspection or causes an abatement on private property, the city shall obtain the consent of a responsible person(s) to enter onto the private property to abate the nuisance or obtain an administrative inspection and/or abatement warrant if and as required by law.

(Ord. 2006-228 § 14, 2006: Ord. 94-68 § 13, 1994)

8.20.140 - Summary abatement of nuisance that poses an immediate threat to public health or safety.

The community development director may immediately abate, without observance of any notice or consent requirements set forth in this chapter, any condition or nuisance that constitutes a serious and imminent danger to the public. Whenever the city causes a summary abatement under this section, it shall provide the party responsible for the nuisance with a post-abatement hearing to contest the validity of the summary abatement under the procedures set forth above for a hearing before as specified in Sections 8.20.080 and 8.20.090 of this chapter, the result of which may be thereafter appealed pursuant to Section 8.20.100 of this chapter.

(Ord. 2006-228 § 15, 2006: Ord. 94-68 § 14, 1994)

8.20.150 - Abatement costs—Report of costs, including attorney's fees.

A. A detailed account of abatement costs shall be maintained, including administrative costs such as the cost for preparing, bidding, and awarding a contract for abatement work. Upon completion of abatement by the city, the community development director shall transmit a report of abatement costs to the city clerk.

B. In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party shall be entitled to recovery of attorney's fees. The recovery of attorney's fees by a prevailing party shall be limited to those individual actions or proceedings in which the city elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the city in the action or proceeding. The community development director shall report any attorney's fees incurred by the city in a proceeding under this section to the city clerk. Such attorney's fees shall be recoverable as costs of abatement. The report of attorney's fees shall be made part of any related report of abatement costs.

(Ord. 2006-228 § 16, 2006: Ord. 94-68 § 15, 1994)

8.20.160 - Abatement costs—Hearing, notification and collection.

A. Upon receipt of a report of abatement costs, the city clerk shall schedule a hearing before the city manager to consider that report.

B. The city shall give the responsible person(s) at least five days' notice of the hearing, and shall post a copy of the notice on the subject property for at least five days prior to the hearing. Proof of service
and posting shall be made by affidavit filed with the city clerk. The notice shall include a copy of the report of abatement costs, state that the responsible person(s) may object to the abatement costs at the hearing, and state that the abatement costs may be made a special assessment or a nuisance abatement lien against the parcel of property on which the abated nuisance existed or the city may enforce the duty to pay those costs in any other manner provided by law.

C. A responsible person may object to the abatement costs at the hearing. The city manager shall consider the report of abatement costs and any objections and determine whether the costs set forth in the report of abatement costs are accurate and reasonable. The city manager shall affirm, correct, or modify the report of abatement costs in light of the evidence before him or her. The decision of the city manager on the report of abatement costs shall be final as to the city, but subject to judicial review in the manner specified in Code of Civil Procedure Section 1094.5 and shall be limited to the determination on the amount of the abatement costs.

D. Upon report of the city manager, the city council may adopt a resolution making the abatement costs a lien against the property on which the nuisance was maintained and a personal obligation of the property owner and any other responsible person(s) as set forth in Section 8.20.170 of this chapter.

E. If abatement costs are not paid within five days after the costs become final, the city may take one or more of the following actions to collect the costs:

1. The community development director may bring an action on behalf of the city in small claims court against the responsible person(s) to collect the cost of abatement in an amount within the jurisdiction of the small claims division of the superior court.

2. The city attorney may bring an action on behalf of the city in the unlimited jurisdiction of the superior court against the responsible person(s) to collect the cost of abatement.

3. The abatement costs may be recorded as a lien against the real property of the responsible person(s) pursuant to a court judgment.

4. The city may cause the nuisance abatement lien to be recorded pursuant to Government Code Sections 38773.1 and Section 8.20.160 of this chapter.

5. The city may cause the cost of abatement to be made a special assessment against the parcel on which the nuisance was abated pursuant to Government Code Section 38773.5.

6. The city may recover its abatement costs through any other method permitted under law.

(Ord. 2006-228 § 17, 2006: Ord. 94-68 § 16, 1994)

8.20.170 - Nuisance abatement lien—Recordation and collection.

A. Pursuant to Government Code Section 38773.1, prior to the recordation of the lien, notice of the lien shall be served on a responsible person(s) who is the owner of record of the parcel of the land on which the nuisance was abated, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

B. The notice shall specify the amount of the lien, identify the city as the public agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel.

C. The notice must be served in the same manner as a summons in a civil action in accordance with Article 3 of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure (commencing with Section 415.10). If the owner of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation pursuant to Code of Civil Procedure Section 6062.
D. After service of the notice, the city shall submit a certified copy of the nuisance abatement resolution to the Los Angeles Registrar-Recorder for recordation. The city shall attach to the certified copy of the resolution an affidavit or declaration attesting to service as required herein.

E. The date of recording of the lien shall have the force, effect, and priority of a judgment lien.

F. If the lien is discharged, released, or satisfied, either through payment or foreclosure, the city shall cause a notice of the discharge to be recorded.

G. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of any foreclosure or collection action to enforce the lien.

(Ord. 2006-228 § 18, 2006: Ord. 94-68 § 17, 1994)

8.20.180 - Special assessment against parcel.

A. As an alternative to the procedure authorized by Government Code Section 38773.1, the abatement costs shall become a special assessment against the real property on which the nuisance was abated pursuant to Government Code Section 38773.5. The assessment shall continue until it is paid, together with interest at the legal maximum rate computed from the time the determination of the abatement cost became final.

B. At the time the special assessment is imposed, notice of the special assessment shall be served on the owner of record of the parcel of the land on which the nuisance was abated, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

C. The notice shall specify the amount of the assessment, identify the city as the public agency on whose behalf the assessment is imposed, the date of the abatement order, the street address, legal description, and assessor's parcel number of the parcel on which the assessment is imposed, the name and address of the record owner of the parcel, and state that the amount of the cost of abatement is a special assessment against the real property until it is paid, with an interest rate set forth therein. The notice shall also specify that the property may be sold after three years by the county treasurer-tax collector for unpaid delinquent assessments.

D. If the property owner's identity can be determined from the county assessor or the registrar-recorder, the city must serve the notice by certified mail.

E. The county treasurer-tax collector's power of sale shall not be affected by the failure of a property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrances for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead be transferred to the unsecured roll for collection.

F. If the city imposes a special assessment pursuant to Government Code Section 38773.5, the city may conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code.

G. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

H. If the assessment levied for city abatement costs, together with any interest or penalties thereon, is paid in full after the date the assessment is added to the county tax rolls, the city shall promptly cause such assessment to be removed from the tax rolls.
8.20.190 - Civil, criminal or other action to abate nuisance.

The procedures for notification and abatement of nuisances in this chapter shall be in addition to any other proceedings authorized by law. Nothing in this chapter shall be deemed to preclude the city attorney from commencing a civil or criminal action to abate a nuisance in the manner provided by law.

8.20.200 - Treble cost of abatement in civil or criminal judgment.

Except for conditions related to substandard buildings abated pursuant to Health and Safety Code Section 17980, upon entry within a two-year period of a second or subsequent civil or criminal judgment finding a property owner responsible for a condition that may be abated pursuant to this chapter, the court may order the owner to pay the city treble the costs of the abatement.

8.20.210 - Miscellaneous.

Any person who removes or defaces a request to abate nuisance or other notice posted pursuant to this chapter is guilty of a misdemeanor punishable as set forth in Chapter 1.16 of this Code.
City of Agoura Hills

Chapter 6 - NUISANCE ABATEMENT

5601. - Scope.

The provisions of this chapter shall apply to all substandard buildings, substandard structures and substandard property.

(Ord. No. 03-318, § 1, 4-9-2003)

5602. - Definitions.

For the purposes of this chapter, certain terms, phrases and words and their derivatives shall be defined as set out in this section. Words used in the singular include the plural and vice versa.

Building is any structure.

Community development director. As used in this chapter "community development director" means the community development director or his or her designee.

Completion. Where a building is found to be substandard due to having been under construction for an unreasonable time, in no event less than two (2) years, the terms "demolition, improvement, removal, repair or rehabilitation," as used in this chapter shall include "completion."

Demolition. Whenever the word "demolish" or "demolishment" is used in this chapter it shall include the removal of the resulting debris from such demolition and the protection by filling of excavations exposed by such demolition and abandonment of sewer or other waste disposal facilities as may be required by this Code or other ordinances or laws.

Party concerned. As used in this chapter "party concerned" means the owner or owners of record, as shown on the last equalized assessment roll of the County of Los Angeles, and any other person known to the community development director to be the occupant, person in control of, or owner of any interest in or to the building or structure or the land upon which it is located.

Vehicle—Defined. As used in this chapter "vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 03-318, § 1, 4-9-2003; Ord. No. 394, § 1, 1-11-2012)

5603. - Definition of substandard building.

(a) Any building or structure or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in section 5604 shall be deemed and hereby is declared to be a substandard building.

(b) Any unfinished building, structure, or portion thereof which has been in the course of construction an unreasonable time, in no event less than two (2) years, or which has not been completed prior to the expiration of the building and/or technical permits therefor, and where the appearance and other conditions of said unfinished building or structure are such that the unfinished structure detracts from the appearance of the immediate neighborhood or is otherwise a nuisance shall be deemed and hereby is declared to be a substandard building.

(Ord. No. 03-318, § 1, 4-9-2003)
5604. - Substandard conditions.

The existence or maintenance of a substandard building condition is prohibited, unlawful and constitutes a public nuisance. Substandard building conditions shall include, but are not limited to, the following:

1. **Inadequate sanitation.**
   a. Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit.
   b. Lack of the minimum amounts of natural light and ventilation required by the building code of the City of Agoura Hills.
   c. Room and space dimensions less than required by the building code of the City of Agoura Hills.
   d. Dampness of habitable rooms.
   e. Violation of any applicable provision of the health code of the City of Agoura Hills, as determined and reported to the community development director by the health officer.

2. **Structural hazards.**
   a. Deteriorated, damaged, or inadequate foundations.
   b. Defective, deteriorated, damaged, or inadequate size flooring and/or floor supports.
   c. Defective, deteriorated, damaged, or inadequate size members of walls, partitions or other vertical supports.
   d. Defective, deteriorated, damaged, or inadequate size ceiling, roof or other horizontal supports.
   e. Defective, damaged or inadequately constructed fireplace or chimney.

3. **Inadequate or hazardous wiring.**
   a. Lack of required electrical lighting or convenience outlets. In existing residential occupancies, every habitable room is required to contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway in such occupancies is required to contain at least one (1) supplied electric light fixture.
   b. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

4. **Inadequate, defective, damaged, hazardous, or faulty plumbing.**
   a. Lack of plumbing fixtures required elsewhere in this Code.
   b. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.

5. **Inadequate, defective, damaged, hazardous, or faulty mechanical equipment or related apparatus.**
   a. Lack of safe, adequate heating facilities in a dwelling, apartment house, hotel or other residential or commercial structure, as prescribed in the building code or other applicable code of the City of Agoura Hills.
   b. Lack of, or improper operation of, required ventilating equipment.
c. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

(6) Faulty weather protection.
   a. Lack of a sound and effective roof covering.
   b. Lack of a sound and effective exterior wall covering.
   c. Broken windows and doors.
   d. Deteriorated or ineffective waterproofing of foundation walls or floor.
   e. Defective, improper, inadequate, or lack of water drainage from a property.

(7) Faulty materials of construction. Any material of construction except those which are allowed or approved by this Code and which have been adequately maintained in good and safe condition.

(8) Hazardous or insanitary premises. Those premises on which there is an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, and similar materials or conditions which are detrimental to public health, safety or welfare.

(9) Hazardous buildings. Any building or portion thereof which is determined to be an unsafe building as defined in the building code of the City of Agoura Hills.

(10) Inadequate exits. All buildings or portions thereof not provided with exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and provide adequate safe exits for the building occupants.

(11) Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(12) Inadequate fire protection or firefighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing system or equipment required by this Code, except those buildings or portions thereof which conform with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems and equipment provide adequate fire safety.

(13) Improper occupancy. All buildings or portions thereof occupied or used for any purpose for which they were not designed, approved, or intended to be used.

(14) Abandoned buildings. All buildings or portions thereof which are abandoned, open or vandalized or both. For purposes of this subsection, an "abandoned" building is one that is vacant and is maintained in a condition of disrepair or deterioration; and an "open" building is one that has non-functioning or missing doors or windows such that entry therein by unauthorized persons is not deterred.

(15) Unfinished relocated buildings or structures. Unfinished relocated buildings or structures or portions thereof as defined in the building code of the City of Agoura Hills.

(Ord. No. 03-318, § 1, 4-9-2003)

5605. - Substandard property.

The existence or maintenance of substandard property is prohibited, unlawful and constitutes a public nuisance. Any one (1) or more of the following conditions shall constitute substandard property.

(1) Substandard buildings;
(2) Unpainted buildings causing dry rot, warping and termite infestation;

(3) Broken, missing or inoperable windows or doors;

(4) Overgrown vegetation which is detrimental to public health, safety or welfare or which detracts from the appearance or property values of the immediate neighborhood. Overgrown vegetation is defined to include any of the following, without limitation:
   a. Vegetation likely to harbor rats, vermin and/or pestilence.
   b. Vegetation hanging over, or obstructing, public rights-of-way or creating a pedestrian or vehicular hazard in the use of public property.
   c. Vegetation causing or adding to a fire hazard, including, without limitation, plants, hedges, shrubs or trees growing on or upon the roof of any structure, or within such close proximity of a roof structure or utility line so as to constitute a fire code violation.
   d. Vegetation, with any of the characteristics or conditions listed in this subsection (4) of this section, located on medians and parkways conditioned or required to be maintained by private property owners, developers or homeowner associations.

(5) Dead vegetation which is detrimental to public health, safety or welfare. Dead vegetation is defined to include any of the following, without limitation:
   a. Decayed, diseased or hazardous vegetation, including neglected, poorly watered or unwatered, untrimmed or otherwise un cared for, trees, weeds, ground cover, shrubs, hedges, bushes, plants and other vegetation that cause or contribute to any one (1) of the following conditions:
      (i) A danger to public health, safety and welfare.
      (ii) A detriment to nearby property, or the value thereof.
      (iii) Causing or adding to a fire hazard.
      (iv) The creation or promotion of dust or soil erosion.
      (v) Unattractive or unsightly appearance that is contrary to community standards as established by surrounding or nearby properties.
      (vi) The absence of any vegetation where approved or required by the City of Agoura Hills.
   b. Vegetation, with any of the characteristics or conditions listed in this subsection (5) of this section, located on medians and parkways conditioned or required to be maintained by private property owners, developers or homeowner associations or property owners associations.

(6) Trailers, campers, recreational vehicles, boats and other related apparatus placed or stored in an area that is visible from a public street;

(7) Trailers, campers, recreational vehicles, trucks, and boats that exceed six (6) feet in height and that are parked for more than forty-eight (48) hours within five (5) feet of any side property line;

(8) Inoperable or abandoned motor vehicles or parts thereof placed or stored in an area that is visible from a public street;

(9) Abandoned, broken, discarded, or neglected equipment, machinery or furniture placed or stored for a period of more than forty-eight (48) hours in an area that is visible from a public street;

(10) Clothesline in front yard areas;

(11) Garbage cans placed or stored in front or side yards and visible from a public street except when placed in places of collection at the times permitted;

(12) Packing boxes, paper products or other debris placed, accumulated, or stored in yard areas visible from a public street or adjacent private property;
(13) Maintenance of premises in such condition as to be detrimental to the public health, safety or welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480;

(14) Property, including, but not limited to, building exteriors which are visible from a public right-of-way or adjacent private property and maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same detracts from the appearance of the immediate neighborhood. This includes, but is not limited to, the keeping or disposing of or the scattering over the property or premises of any of the following:
   a. Lumber, junk, trash or debris;
   b. Abandoned, discarded or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
   c. Stagnant water or excavations;
   d. Any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or its inappropriate location.

(15) Grading which does not meet the minimum standards set forth in the building code of the City of Agoura Hills or which is done in violation of this Code or any other city or state law regulating grading;

(16) Any other condition or activity on real property that violates any local, state or federal law or regulation, or that is contrary to any public agency approval, permit, or condition thereof.

(Ord. No. 03-318, § 1, 4-9-2003; Ord. No. 11-394, § 2, 1-11-2012)

5606. - Planning commission role.

The planning commission of the city shall conduct all hearings provided for by this chapter and shall make such findings and determinations as may be appropriate. The planning commission may delegate any or all non-public hearing functions to the community development director.

(Ord. No. 03-318, § 1, 4-9-2003)

5607. - Determination by community development director.

Whenever the community development director determines by inspection that any existing building or portion thereof is substandard or any lot or other premises is substandard, or both, as defined in this chapter, such building or premises, or both, are hereby declared a public nuisance, and the procedures for abatement of a public nuisance set forth in this chapter (as well as any other appropriate civil, administrative or criminal action, as set forth in section 5621) shall apply. The community development director may delegate the implementation of all or any part of this chapter to the building official, the code enforcement officer or other designee.

(Ord. No. 03-318, § 1, 4-9-2003)

5608. - Procedures for abatement of public nuisances.

(a) Whenever the community development director has inspected or caused to be inspected any property and has determined that an unlawful condition constituting a public nuisance exists thereon, the community development director may use the procedures set forth in this section for the abatement of such public nuisance; provided, however, that if the public nuisance is determined to be imminently dangerous to life or adjacent property and to require immediate removal, repair or isolation, the procedures set forth in section 5611 hereof may be used by the community development director.
(b) Notice to abate.

(1) The community development director shall give or cause to be given a notice to abate the unlawful conditions existing on the property. Such notice shall be in writing and shall detail the existing unlawful conditions which constitute a violation of this chapter. The notice shall state that if the nuisance is not abated or good faith efforts towards abatement have not been made to the satisfaction of the community development director within the time period specified in the notice, a hearing will be held before the planning commission to hear any protest of the owner, occupant or other interested person. The notice shall specify the time, date and place of the hearing, which shall be set to occur at a regular meeting of the planning commission following the expiration of the specified time period. Such notice shall be in substantially the following form:

"NOTICE TO ABATE A PUBLIC NUISANCE

TO THE OWNER, AGENT OF THE OWNER, LESSEE, OCCUPANT, OR PERSON IN POSSESSION OF THE PROPERTY HEREINAFTER DESCRIBED:

The building, structure, improvement, or property which is the subject of this notice is situated in the City of Agoura Hills, Los Angeles County, California, on the premises described as [insert legal description] ______, and commonly known as ______

______

______.

YOUR ATTENTION IS HEREBY DIRECTED to the provisions of Chapter 6 of Article V, of the Municipal Code of the City of Agoura Hills, California, on file in the office of the City Clerk in the City Hall.

Pursuant to the provisions of said Chapter 6, you are hereby notified that the violations consist of ______

(DESCRIPTION OF UNLAWFUL CONDITIONS)

You are further notified and ordered to abate the above specified conditions by taking the following action(s): ______

(DESCRIPTION OF ACTIONS NECESSARY TO ABATE UNLAWFUL CONDITIONS)

Such action(s) must be completed within days from the date of your receipt of this notice. It is your responsibility to obtain all appropriate permits, to dispose of any material or materials involved in the public nuisance in a legal manner, and to maintain the property free from the unlawful conditions described above.

If the nuisance is not abated or good faith efforts towards abatement have not been made to the satisfaction of the undersigned within days from the date of receipt of the notice, a hearing will be held before the Planning Commission to hear any protest of the owner, occupant or other interested person and to authorize the City to abate or to cause to abate the nuisance. The hearing will be held at ___ p.m., on,____, ___ at the City Council Chambers in the Agoura Hills City Hall, located at 30001 Ladyface Court, Agoura Hills, California 91301.

DATED: This ______________ day of ____________, ___.

_____

'Community Development Director'
The notice shall be served by either delivering the notice personally to the party concerned, or by sending the notice by registered or certified mail, postage prepaid, addressed to the party concerned, at his or her last known address. The address of the party concerned as it appears on the last equalized assessment roll of the county shall be conclusively deemed to be the proper address for the mailing of such notice. If mailed, such notice shall be deemed to have been received three (3) days after the date the notice was deposited in the United States mail. The notice shall also be posted conspicuously on the affected property.

In the absence of fraud, no error or mistake in the service of the notice, and no failure on the part of any party concerned to receive the notice shall in any manner affect the validity of any proceedings hereunder as to any person duly served.

Proof of service of the notice shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service and declaring the time and manner in which service was made.

(c) Extension of time to perform work. Upon receipt of a written request from any person required to comply with the notice, the community development director may grant an extension of time within which to complete the abatement, if the community development director determines that such an extension of time will not create a situation imminently dangerous to life or property. The community development director shall have the authority to place reasonable conditions on any such extension.

(d) Hearing and decision. If the nuisance is not abated or good faith efforts towards abatement have not been made to the satisfaction of the community development director within the time period specified in the notice, the planning commission shall conduct a hearing at the time and place specified in the notice at which any relevant evidence may be submitted by any interested persons. The hearing may be continued by the planning commission from time to time as it deems necessary. Upon consideration of the evidence, the planning commission may declare, by resolution, the condition to constitute a public nuisance and order the abatement thereof.

The resolution shall set forth the findings and decision of the commission and shall order the party concerned to abate the nuisance by having such premises, buildings or structures rehabilitated, repaired, or demolished in the manner and by the means specifically set forth in the resolution. The resolution shall set forth the times within which such work shall be commenced and completed. The resolution shall contain the following statement:

"In the event you fail to complete such work within the time specified in this resolution, the City's Community Development Director shall cause the appropriate action to be taken and completed, and the costs to the City therefor will be the responsibility of the property owner(s) and the occupant(s) of the property. In addition, the costs will be made a special assessment (or, alternatively, will be recorded as a lien) against the property [or against the lot or parcel of land adjoining and abutting the public right-of-way or sidewalk in the event the public right-of-way or sidewalk is to be cleaned or otherwise protected]. You are further advised that this notice may be recorded against the property in the Office of the County Recorder."

The decision of the planning commission shall be final and conclusive.

(e) Service of planning commission resolution. The planning commission secretary shall notify the party concerned of the decision of the planning commission by transmitting a copy of the resolution adopted by the planning commission to the party concerned in accordance with the requirements of subsection (b)(2).

(f) Recording of certificate of public nuisance. Subsequent to service of a copy of the resolution of the planning commission, the community development director may file in the office of the county recorder a certificate containing a legal description of the subject property and certifying that a public nuisance exists on the property and that the party concerned has been so notified. The community development director shall file a new certificate in the office of the county recorder, stating that the public nuisance has been abated, whenever any of the following has occurred:
(1) The corrections ordered have been completed so that a public nuisance no longer exists on the property described in the certificate; or
(2) The city has caused the public nuisance to be abated and the costs of abatement have been paid.

(Ord. No. 03-318, § 1, 4-9-2003)

5609. - Limitation of action challenging order to abate.

Any party concerned, owner, occupant or other interested person having any objections or feeling aggrieved at any proceeding by or decision of the planning commission in ordering the abatement of any public nuisance under the provisions of this chapter must bring an action in a court of competent jurisdiction to contest such proceedings or decisions within thirty (30) days after the date of the resolution ordering the abatement. Otherwise, all objections to such proceedings and decisions shall be deemed waived. In making a final decision as defined in subsection 5608(d), the local agency shall provide notice to the party that the time within which judicial review must be sought is governed by this section.

(Ord. No. 03-318, § 1, 4-9-2003)

5610. - Abatement of public nuisances by the city.

(a) If the persons served with the resolution of the planning commission fail to take the required action within the time specified, in accordance with the provisions of this chapter, the community development director may take action specified in the planning commission's resolution to abate the public nuisance existing on the property.

(b) Abatement of the public nuisance may, in the discretion of the community development director, be performed by city forces or by a private contractor engaged by the city pursuant to the provisions of this Code.

(c) Notwithstanding compliance with the notice and order, all parties concerned and other owners and occupants shall in all events be jointly and severally liable for all costs incurred by the city in securing such compliance. Moneys due the city pursuant to this subsection may be recovered in the same manner that abatement costs are recovered pursuant to this chapter.

(Ord. No. 03-318, § 1, 4-9-2003)

5611. - Alternative procedures for abatement of imminently dangerous public nuisances.

Whenever the community development director determines that a public nuisance constitutes an immediate threat to public health or safety and is so imminently dangerous to life or adjacent property that such condition must be immediately removed, repaired or isolated, the community development director may implement the following procedures:

(1) Notice. The community development director shall attempt to make contact through a personal interview, or by telephone, with the party concerned, if any. In the event such contact is made, the community development director shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

(2) Abatement. If the community development director is unable to make contact as herein above noted, or if the appropriate persons, after notification by the community development director, do not take action within such time as may be specified by such official, then the community development director may take all actions deemed necessary to remove, repair or isolate such
dangerous condition or conditions, with the use of city forces or a contractor engaged pursuant to the provisions of this Code.

(3) Costs. The community development director shall keep an itemized account of the costs incurred by the city in removing, repairing or isolating such condition or conditions. Such costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to this chapter.

(Ord. No. 03-318, § 1, 4-9-2003)

5612. - Account of abatement costs.

(a) The community development director, in conjunction with the director of finance, shall keep an itemized account of all costs incurred by the city in the abatement of any public nuisance pursuant to this chapter. Such costs may include, but are not limited to, any and all direct costs and expenses related to such items as investigation, boundary determination, measurement, personnel salaries and benefits, operational overhead, fees for experts or consultants, legal costs or expenses, including attorney's fees (if applicable), claims against the city arising as a consequence of the public nuisance, clerical and administrative costs, and procedures associated with collecting moneys due hereunder.

(b) Upon completion of the abatement work, the community development director shall prepare a report specifying the work done, the itemized costs of the work necessary to abate the public nuisance, a description of the property involved, and the names and addresses of the persons entitled to notice pursuant to subsection 5608(b)(2) of this chapter. Any such report may include costs on any number of properties, whether or not contiguous to each other, and whether or not under the same ownership. The report shall be filed with the planning commission secretary.

(c) Attorneys fees. A prevailing party in any action, administrative proceeding, or special proceeding to abate a nuisance may recover reasonable attorney's fees in accordance with the following subdivisions:

(1) Attorney's fees are not recoverable by any party concerned as a prevailing party unless the city manager or city attorney elects in writing to seek recovery of the City of Agoura Hills' attorney's fees at the initiation of that individual action or proceeding. Notice of such election, when made, shall be provided to the party concerned in writing by certified and first class mail. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the City of Agoura Hills.

(2) An action or proceeding is initiated upon the City of Agoura Hills' service of any written notice to abate a public nuisance to a party concerned pursuant to the provisions of this chapter, or upon the filing by the City of Agoura Hills or the People of the State of California, of any compliant, motion or pleading relating to the existence or maintenance of a public nuisance in any civil or equitable court of competent jurisdiction. Attorney's fees are not recoverable in criminal prosecution actions.

(3) The City of Agoura Hills is the prevailing party (i) when an administrative determination of the existence of one (1) or more conditions constituting a public nuisance is made final, or (ii) when a judge, commissioner or other judicial officer renders a judgment, decree or order finding the existence of a public nuisance and/or enjoining its continued existence. A party concerned alleged to be responsible for causing, maintaining or permitting a public nuisance is the prevailing party only (i) upon a final administrative determination finding the absence of all alleged public nuisance conditions or responsibility therefore, or, (ii) when a judge, commissioner or other judicial officer renders a judgment, decree or order in a civil or equitable action that states similar findings.

(4) In no event shall a party concerned be considered a prevailing party if said person is found to be responsible for at least one (1) public nuisance condition, regardless of prevailing in the same action or proceeding with regard to other alleged nuisance conditions due to their absence, or a person's lack of responsibility therefore.
(5) Provided that the City of Agoura Hills has made an election to seek attorney’s fees, an award of attorney’s fees to a person shall not exceed the amount of reasonable attorney’s fees incurred by the City of Agoura Hills in said action or proceeding.

(Ord. No. 03-318, § 1, 4-9-2003)

5613. - Procedure for special assessment.

(a) Notice of assessment. Within ten (10) days after the filing of the report referred to in section 5612(b), the planning commission secretary shall fix a time and place for hearing and passing upon the report. Notice of the hearing shall be given to the party concerned in the manner specified in section 5608(b)(2) and not less than ten (10) days prior to time fixed by the planning commission secretary for the hearing. The notice shall also be published once, at least ten (10) days prior to the date of the hearing, in a newspaper of general circulation published in the county. The notice shall contain a description of the property sufficient to enable the persons served to identify it, and a copy of the report prepared pursuant to section 5612(b) and shall specify the day, hour, and place when the planning commission will hear and pass upon the report, together with any objections or protests which may be raised by any person liable for the costs of such abatement.

(b) Protests. Any interested person may file a written protest with the planning commission secretary at any time prior to the time set for the hearing on the report of the community development director. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The planning commission secretary shall endorse on every such protest the date and time of filing, and shall present such protest to the planning commission at the time set for hearing.

(c) Hearing. Upon the day and hour fixed for the hearing, the planning commission shall consider the report of the community development director, together with any protests which have been filed with the planning commission secretary. The planning commission may make such revisions, corrections, or modifications to the report as it may deem just, and when the planning commission is satisfied with the correctness of the report, as submitted, or as revised, corrected, or modified, shall be confirmed by resolution. The decision of the planning commission on the report and on all protests shall be final and conclusive. The planning commission may continue the hearing from time to time as it deems necessary.

(d) Making the special assessment. Immediately upon the determination of costs pursuant to this section 5613 by the planning commission, the planning commission shall make said costs a special assessment against the property on which the nuisance was abated. The tax collector’s power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(e) Notice of assessment. The finance director shall execute and file in the office of the county recorder a certificate in substantially the following form:

"NOTICE OF SPECIAL ASSESSMENT"

Pursuant to the authority vested in the Community Development Director by the provisions of Chapter 6 of Article V of the Municipal Code of the City of Agoura Hills, California, the Community Development Director on or about the ___ day of ____, ____, abated the public nuisance upon the real property commonly known as ____ (address) ___ by taking the following action(s):
The same has not been paid nor any part thereof, and the City of Agoura Hills does hereby claim a special assessment on the real property for the net expense of the doing of the abatement in the amount of $______, and this amount shall be a special assessment upon the real property until it has been paid in full and discharged of record. The real property may be sold after three years by the tax collector for unpaid delinquent assessments.

The real property herein before mentioned, and upon which a special assessment is claimed, is that certain parcel of land in the City of Agoura Hills, County of Los Angeles, State of California, and legally described as follows:

(LEGAL DESCRIPTION)

The owner of record of the subject property is

______.

Dated this ___ day of ________. ___

Finance Director,
City of Agoura Hills

(ACKNOWLEDGMENT)"

(f) Assessment book. After recording, the finance director shall deliver the notice of assessment to the Los Angeles County Auditor-Controller, who shall enter the amount on the county assessment book opposite the description of the particular property, and the amount shall be collected together with all other taxes against the property.

(g) Collection. The amount set forth in the notice of assessment shall thereafter be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of city taxes shall apply to the assessment.

(h) Refunds. The city council may order a refund of all or part of the assessment paid pursuant to this chapter if it finds that all or part of the assessment was erroneously made. An assessment or part thereof shall not be refunded unless a claim is filed with the city clerk within six (6) months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

(Ord. No. 03-318, § 1, 4-9-2003)

5614. - Alternative procedure for lien.
(a) **Notice of lien.** As an alternative to making a special assessment pursuant to section 6113, the city manager or his designee may determine that a lien would be more appropriate and may proceed according to section 6114.

Within ten (10) days after the filing of the report referred to in section 5612(b), the planning commission secretary shall fix a time and place for hearing and passing upon the report. Notice of the hearing shall be served on the party concerned in the same manner as summons in a civil action in accordance with Code of Civil Procedure Section 415.10 et seq. and not less than ten (10) days prior to time fixed by the planning commission secretary for the hearing. If after diligent search, no party concerned can be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in the County of Los Angeles pursuant to Government Code Section 6062. The notice shall contain a description of the property sufficient to enable the persons served to identify it, and a copy of the report prepared pursuant to section 5612(b), and shall specify the day, hour, and place when the planning commission will hear and pass upon the report, together with any objections or protests which may be raised by any person liable for the costs of such abatement.

(b) **Protests.** Any interested person may file a written protest with the planning commission secretary at any time prior to the time set for the hearing on the report of the community development director. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The planning commission secretary shall endorse on every such protest the date and time of filing, and shall present such protest to the planning commission at the time set for hearing.

(c) **Hearing.** Upon the day and hour fixed for the hearing, the planning commission shall consider the report of the community development director, together with any protests which have been filed with the planning commission secretary. The planning commission may make such revisions, corrections, or modifications to the report as it may deem just, and when the planning commission is satisfied with the correctness of the report, as submitted, or as revised, corrected, or modified, shall be confirmed by resolution. The decision of the planning commission on the report and on all protests shall be final and conclusive. The planning commission may continue the hearing from time to time as it deems necessary.

(d) **Making the lien.** Immediately upon the determination of costs pursuant to section 5614 by the planning commission, the planning commission shall make said costs a lien against the property on which the nuisance was abated.

(e) **Notice of lien.** The finance director shall execute and file in the office of the county recorder a certificate in substantially the following form:

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"NOTICE OF LIEN

Pursuant to the authority vested in the Community Development Director by the provisions of Chapter 6 of Article V, of the Municipal Code of the City of Agoura Hills, California, the Community Development Director on or about the ___ day of __________, __, abated the public nuisance upon the real property commonly known as ___(address)___ by taking the following action(s):

____

____

____

____

____

The same has not been paid nor any part thereof, and the City of Agoura Hills does hereby claim a lien on the real property for the net expense of the doing of the abatement in the amount of $ __________, and this amount shall be a lien upon the real property until the sum of $
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with interest at the rate of six percent (6%) per annum from __________, __, has been paid in full and discharged of record.

The real property herein before mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Agoura Hills, County of Los Angeles, State of California, and legally described as follows:

(LEGAL DESCRIPTION)

The owner of record of the subject property is


Dated this day of __________, __.

Finance Director,
City of Agoura Hills

(ACKNOWLEDGMENT)"

(Ord. No. 03-318, § 1, 4-9-2003)

5615. - Personal obligation.

Immediately upon the recording of the notice of assessment (or lien), the costs determined by the planning commission pursuant to section 5613 (or 5614) shall constitute a special assessment (or lien) against the property and shall also be the personal obligation of the party concerned and any owner or occupant.

(Ord. No. 03-318, § 1, 4-9-2003)

5616. - Limitation of action challenging assessment/lien.

Any party concerned, owner, occupant or other interested person having any objections or feeling aggrieved at any proceeding by or decision of the planning commission in making an assessment or lien under the provisions of this chapter must bring an action in a court of competent jurisdiction to contest such proceedings or decisions within thirty (30) days after the date of the resolution making the assessment or lien. Otherwise, all objections to such proceedings and decisions shall be deemed waived.

(Ord. No. 03-318, § 1, 4-9-2003)

5617. - Right of entry.

(a) Whenever necessary to make an inspection or to enforce any of the provisions of this chapter, or whenever the community development director has reasonable cause to believe that there exists in any building or upon any property any unlawful condition or prohibited activity which makes such building or property unsafe, dangerous, substandard, or hazardous, the community development director may enter such building or property with the consent of any party concerned, or with an inspection/abatement warrant signed by a superior court judge. However, if such building or property is occupied, the community development director shall first present proper credentials and request entry; and if such building or property is unoccupied, the community development director shall first make a reasonable effort to locate the party concerned and request entry. Before entering onto the property pursuant to a warrant, the community development director shall give at least twenty-four (24)
hours' notice to the party concerned unless the judge finds that immediate execution of the warrant is reasonably necessary in the circumstances.

(b) It shall be unlawful for any person, including any party concerned: (i) to refuse to allow the community development director, or a contractor engaged by the city, to enter upon the property, consistent with subsection (a), to execute a court-ordered warrant; or (ii) to obstruct, impede, interfere in any manner with the community development director, or a contractor engaged by the city, in any work undertaken pursuant to the provisions of this chapter.

(Ord. No. 03-318, § 1, 4-9-2003)

5618. - Continuing violations.

It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this Code is committed, continued, or permitted by any person and shall be punished accordingly.

(Ord. No. 03-318, § 1, 4-9-2003)

5619. - Penalty for violation.

(a) No person shall create, maintain or allow to exist a substandard condition or substandard property. No person shall violate or fail to comply with any provision or requirement of this Code. Any person who shall violate or fail to comply with any provision or requirement of this Code shall be guilty of a misdemeanor. However, any provision of this Code may be prosecuted as an infraction in the discretion of the prosecuting attorney.

(b) An infraction shall be punishable by a fine of one hundred dollars ($100.00) for the first violation. Subsequent violations of the same provision of this Code shall be punishable by a fine of two hundred dollars ($200.00) for the second violation and five hundred dollars ($500.00) for the third violation in a twelve-month period.

(Ord. No. 03-318, § 1, 4-9-2003)

5620. - Injunction.

The provisions of this chapter may be enforced by an injunction issued by any court having jurisdiction over the suit or over any party concerned, owner or occupant of any real property affected by such violations or prospective violation.

(Ord. No. 03-318, § 1, 4-9-2003)

5621. - Court action.

The city may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring, at any time, a civil or criminal or other available action against an appropriate person or party concerned in a court of competent jurisdiction for any violation of this chapter. The remedies are cumulative and non-exclusive. An enforcement action shall not be barred or invalidated by the failure of any party concerned to receive notice of the violation or by the failure of any party concerned to have an opportunity to abate the violation. Upon entry of a second or subsequent civil or criminal judgment within a two-year period, finding that any party concerned, or other owner or occupant of a property, place or area is responsible for a
condition that may be abated in accordance with this chapter, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order said party to pay treble the costs of the abatement.

(Ord. No. 03-318, § 1, 4-9-2003)

5622. - Remedies of private parties.

The provisions of this chapter shall in no manner adversely affect the right of any party concerned to recover all costs and expenses imposed by this chapter from any person responsible for creating or maintaining the public nuisance.

(Ord. No. 03-318, § 1, 4-9-2003)

5623. - Vehicles.

(a) Adoption by reference of Section 22661 of Vehicle Code. All of the provisions of this chapter relating to the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from public or private property are enacted pursuant to Vehicle Code Sections 22660 and 22661. All of the provisions of Section 22661 of the Vehicle Code are hereby adopted by reference as a part of this chapter. In the case of any conflict between the provisions of this chapter and the provisions of said Section 22661, the provisions of said Section 22661 shall prevail.

(b) Notice and hearing requirements. Not less than ten (10) days prior to the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from public or private property, the director shall provide a notice of intent to abate and remove to the owner of the vehicle and the property owner in form. Process and substance consistent with section 5614 of this Code and Section 22661 of the Vehicle Code.

(c) Notification of department of motor vehicles. Within five (5) days after the city or any officer thereof removes, pursuant to this chapter, any vehicle or a part thereof, the community development director shall so notify the department of motor vehicles identifying the vehicle or part thereof.

(d) Notification of highway patrol. Not less than ten (10) days before the hearing provided for in subsection 5614(c) the community development director shall notify the California Highway Patrol thereof identifying the vehicle or part to be removed.

(e) Not to be reconstructed. A person shall not reconstruct or make operable any vehicle which has been removed by the city pursuant to this chapter unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

(f) Exceptions. A vehicle or any part thereof shall not be removed pursuant to this chapter if such vehicle or parties:

1. Completely enclosed within a building in a lawful manner where it is not visible from the street, highway or other public or private property, or

2. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or junkyard. This exception does not authorize the maintenance of a public or private nuisance.

(g) Registration of vehicle. If any vehicle is removed pursuant to this chapter, the community development director shall forward to the department of motor vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(h) Proof of non-responsibility. The owner of any land upon which a vehicle which has been removed was located may appear in person at any hearing provided for in this chapter or present a written
statement in time for consideration at such hearing and deny responsibility for the presence of the vehicle on the land with reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then the city shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle was located or otherwise attempt to collect such costs from such owner.

(Ord. No. 03-318, § 1, 4-9-2003)
City of Westlake Village

CHAPTER 4.8. - PROPERTY MAINTENANCE*

4.8.000. - Policy, Purpose and Intent.

The purposes and intent of this Chapter are as follows:

A. To define as public nuisances and violations those conditions and uses that are detrimental to the public health, safety and welfare, or, that promote blight, or, that would have a tendency to depreciate the aesthetic and property values of surrounding property or obstruct the full use of said property, or that would otherwise interfere with the comfortable enjoyment of life or property in the City.

B. To develop regulations that will promote the sound maintenance of property and the enhancement of conditions of appearance, habitability or occupancy, and safety of all structures in the City.

C. To facilitate the establishment of enforcement and nuisance abatement and cost recovery procedures which will result in the effective and efficient correction or abatement of public nuisances by responsible persons, or by City forces.

D. This Chapter is not intended to be applied, construed or given effect in a manner that imposes upon the City, or upon any officer or employee thereof, any duty towards persons or property within the City or outside of the City that creates a basis for civil liability for damages, except as otherwise imposed by law.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.005. - Definitions.

As used in this Chapter, the following definitions shall apply:

"Abandoned structure" means a building or other structure that is vacant and is maintained in a condition of partial construction, or disrepair or deterioration, as discernible from a public right-of-way or nearby or adjoining real property. Factors that may also be considered in a determination of an abandoned structure include, without limitation: present functional utility; the duration of time that a structure has remained partially constructed; whether permits for construction or repair have expired or the number of renewals of a permit; the presence of nonfunctional or missing doors or windows, such that entry therein by unauthorized persons is not deterred; the duration of time or frequency of occurrences that windows, doors or other portions of the structure have been tarped, boarded up or barricaded; the existence or recurrence of other nuisance conditions at the premises; the existence of real property tax delinquencies for the land upon which the structure is located; age and degree of obsolescence of the structure, and the cost of rehabilitation or repair versus its market value.

"Abandoned, unused or dilapidated personal property" means and refers to any item in state of disrepair, or that has ceased to be used for its designed and intended purpose. Factors that may also be considered in a determination of abandoned personal property include, without limitation: present operability and functional utility; condition of disrepair or damage; status of registration or licensing, where applicable; age and degree of obsolescence; cost of rehabilitation or repair versus its market value, and the nature of the area and location of the item.

"Abatement costs and expenses" mean and include, without limitation, any and all direct and indirect costs related to the investigation and abatement of a public nuisance, including all costs and expenses for which the City may be liable under State law arising from or related to the nuisance abatement action, and all costs or expenses to which the City may be entitled under State law. Costs and expenses for
which the City may be reimbursed begin to accrue at the time the City first receives a complaint regarding
the nuisance conditions. Consideration may be given to the time expended by investigating officials and
the valuation of such time according to these persons’ salaries or wages and compensation and
employment benefits. The City may also consider its fixed operational and administrative expenses, as
well as fees and expenses for experts, consultants, contractors, attorneys (if the election was made to
seek such fees pursuant to this Chapter) and other service providers involved in the nuisance abatement
action or proceeding, and all incidental expenses associated with collecting said monies. Costs may also
include code enforcement fees if prescribed pursuant to this Chapter.

“Attractive nuisance” means any condition, device, equipment, instrument, item or machine that is
unsafe, unprotected or may prove attractive and detrimental to children, vagrants, vandals and the
curious—whether in a structure, on the premises surrounding a building or structure, or on an unoccupied
lot. This includes, without limitation, any abandoned or open and accessible wells, shafts, basements or
excavations; any abandoned refrigerators and abandoned or inoperable motor vehicles; any structurally
unsound fences or structures; or, any lumber, trash, fences, debris or vegetation which may prove
hazardous or dangerous to inquisitive minors. An attractive nuisance shall also include pools, standing
water or excavations containing water, that are unfenced or otherwise lack an adequate barrier thereby
creating a risk of drowning, or which are hazardous or unsafe due to the existence of any condition
rendering such water to be clouded, unclear or injurious to health due to, without limitation, any of the
following: bacterial growth, infectious or toxic agents, algae, insect remains, animal remains, rubbish,
refuse, debris or waste of any kind.

“Blight” means and includes any condition or use that is a public nuisance or which is otherwise
hazardous or detrimental to public health, safety or welfare, or that reduces the aesthetic appearance of a
neighborhood or that diminishes nearby property values.

“Building” means any structure having a roof supported by columns or walls used or intended to be
used for the shelter or enclosure of persons, animals or property.

“City” means the City of Westlake Village.

“City Manager” means the City Manager for the City of Westlake Village or his or her duly authorized
representative(s).

“Code” or “Codes” refers to the Westlake Village Municipal Code and laws incorporated therein by
reference and any adopted and uncodified ordinances.

“Code Enforcement Officer” means any individual employed by the City with enforcement authority
for City Codes, or his or her duly authorized representative(s).

“Construction activity—Valid and ongoing” means construction activity or maintenance work under
valid and active permit(s) and/or approval(s) from the City, which is underway and progressing without
any unreasonable delays or gaps in such activity. To qualify for any exception under this Chapter based
upon such ongoing construction activity, the otherwise unlawful condition existing must be reasonably
related to a construction necessity as contemplated in the permit or approval, and must not be continued
or maintained for any unreasonable period of time. Unless otherwise stated, for purposes of any
exception under this Chapter, any condition which is otherwise defined as a public nuisance, and which is
continued during construction for a period of more than thirty (30) days, is presumed to be unreasonable,
and therefore a public nuisance, as is the failure to abate any such condition within ten (10) calendar days
of any City request or notice to do so.

“Director of Planning” means the Director of Planning for the City of Westlake Village or his or her
duly authorized representative(s).

“Driveway” shall be as defined in the Chapter 9.2, “Zoning Regulations.”

“Inoperable vehicle” means and includes, without limitation, any vehicle that is immobilized or
mechanically incapable of being driven on a highway. Factors that may be used to determine this
condition include, without limitation, vehicles lacking a current registration authorizing use on a highway, a
working engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary
for its legal and safe operation on a highway or any other public right-of-way.
"Junk" means any abandoned, cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked article, object, thing, material or part thereof. Examples of junk include, without limitation, furniture, household appliances, inoperative vehicles, pallets, packing boxes, tires, trash, debris or other form(s) of personal property, that is unsightly by reason of its condition or inappropriate location.

"Owner" means and includes any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the City, including all persons identified as owning property as shown on the last equalized assessment roll of the Los Angeles County Assessor's Office. An owner of personal property shall be any person who has legal title, charge, control or possession of such property.

"Person" as used in this Chapter, means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization, however formed, as well as trustees, heirs, fiduciaries, receivers, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the City.

"Personal property" means property that is not real property, and includes, without limitation, any appliance, article, device, equipment, item, material, product, substance or vehicle.

"Property" or "premises" means any privately-owned real property, or improvements thereon, or portions thereof, as the case may be. "Property" includes any parkway or unimproved public easement abutting such real property.

"Public nuisance" means anything which is, or is likely to become, injurious or detrimental to public health, safety or welfare, or is offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street or highway. All conditions enumerated by the City Council in Section 4.8.010 of this Chapter are public nuisances by definition and declaration, and said enumerated conditions shall not, in any manner, be construed to be exclusive or exhaustive.

"Responsible person" means any person, whether as an owner as defined in this Chapter, or agent, manager, occupant or otherwise, who allows, causes, creates, maintains, or permits a public nuisance, or any violation of the Westlake Village Municipal Code, applicable county ordinance, or State law, to exist or to continue, by any act or the omission of any act or duty. This means that, for purposes of this Chapter, a person or entity who did not create an unlawful condition is still the "responsible person" if such person or entity continues the condition or fails to abate it.

"Routine maintenance" of motor vehicles and similar items is defined to include only short-term, user serviceable preventative care, such as oil changes and tune ups, that generally may be easily completed in one day by the average user. In the event any such work extends for any period exceeding forty-eight (48) hours, irrespective of interruptions, it no longer qualifies as routine maintenance.

"Structure" for purposes of this Chapter, means that which is built or constructed, an edifice or building of any kind, as well as fixtures attached or appurtenant thereto. Structure includes, without limitation, any kind of work artificially built-up or composed of parts joined together in some definite manner.

"Vegetation," when referred to as "overgrown" means and includes:

1. Vegetation conditions determined by health officials to be likely to permit the breeding or harborage therein or thereon of rodents, fleas, bedbugs, cockroaches, lice, mosquitoes or any other vermin, or to otherwise constitute any violation of Title 11 "Health and Safety" of the Los Angeles County Code, as adopted and/or amended by the City of Westlake Village.

2. Vegetation causing detriment to neighboring properties, or which is out of conformity with neighboring community standards to such an extent as to result in a diminution of property values.

3. Vegetation causing or adding to a fire hazard, including, without limitation, plants, hedges, shrubs or trees growing on or upon the roof of any structure, or within such close proximity of a roof structure so as to constitute a fire code violation.
4. Untrimmed trees, shrubs, bushes or other vegetation on private property which so overhangs or otherwise impinges upon any public sidewalk or street in such a manner as to impair visibility at intersections, or in such a manner as to impair free and full use of the sidewalk or street by the public, or constitutes a hazard to public safety.

"Vegetation," when referred to as "dead, decayed, detrimental, diseased or hazardous," mean and include neglected, poorly watered or unwatered, or otherwise uncared for, trees, weeds, ground cover, shrubs, hedges, lawns, plants and other vegetation that cause or contribute to any one of the following conditions:

1. A danger or detriment to public health, safety and welfare;
2. A detriment to nearby property, or the value thereof;
3. Causing or adding to a fire hazard;
4. The creation or promotion of dust or soil erosion;
5. Unattractive or unsightly appearance that is contrary to community standards as established by surrounding or nearby properties.

"Vehicle" means any device, by which any person or property may be propelled, moved, or drawn upon a highway or other public right-of-way. "Vehicle" does not include devices (i) that are propelled exclusively by human power such as bicycles and wheelchairs, or (ii) those that are used exclusively upon stationary rails or tracks.

"Vehicles and vehicle parts—Abandoned" means a vehicle is abandoned if the owner has intentionally and permanently relinquished title to, or control or possession of the vehicle. A vehicle is also abandoned when it is left unattended on any private real property without the consent of the owner, lessee or possessor of said real property, or any agent thereof. Factors that may be considered in a determination of abandonment include, but are not limited to, the vehicle’s location and condition, the period of time it remains in a location, whether the vehicle has a current record of valid ownership or registration with the California Department of Motor Vehicles, the absence of a license plate number or a vehicle identification number, the ability of a governmental agency to identify or successfully contact a registered owner, as well as the failure of any last known registered owner to respond in a timely manner to any notice from a governmental agency of abandonment or a violation of law involving said vehicle.

"Vehicles and vehicle parts—Inoperative, wrecked or dismantled" means a vehicle is inoperative, wrecked, or dismantled if it is mechanically incapable of being driven upon a highway. Factors that may be considered in determining whether a vehicle is mechanically incapable of being driven upon a highway include, but are not limited to, the following: the vehicle’s location and condition, the period of time it remains in a location, whether the vehicle has a current record of valid ownership or registration with the California Department of Motor Vehicles, the absence of a license plate number or a vehicle identification number; whether the vehicle has damaged, faulty or missing essential components, such as the engine, battery, transmission, tires, wheels, hood, mirrors, lights, windows or windshields.

"Yards—Front, side or rear" shall be as defined in Chapter 9.2, "Zoning Regulations."

(Ord. No. 192-05, Amended, 3/9/05)


All property or any condition(s) or use(s) found to exist in violation of any requirement or prohibition of this Chapter, or of any other provision or requirement of the Westlake Village Municipal Code, or applicable county ordinance, or of any State law, is declared to be a public nuisance and shall be abated by rehabilitation, demolition or repair, removal or termination pursuant to the procedures set forth in this Chapter. The procedures for abatement set forth in this Chapter shall not be exclusive and shall not, in any manner, limit or restrict the City from pursuing any other remedies available at law, whether civil, equitable or criminal, or from enforcing other City ordinances, resolutions or policies, or from abating public nuisances, in any other manner provided by law.
The City Council finds and declares that it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or permit others to maintain, property in the City in such a manner that any one or more of the following conditions or uses are found to exist thereon.

A. General

1. Any condition which constitutes a public nuisance as defined by California Civil Code Section 3479, or by Civil Code Section 3480, including, but not limited to, any condition or use existing on property which constitutes blight, or is a health or safety hazard to the community or neighboring properties, or is a substantial impairment upon the use, value and enjoyment of surrounding properties or upon the community at large.

2. Any violation of any provision of the Westlake Village Municipal Code, and its adopted "Zoning Regulations" [Article 9], including properties or structures that are maintained with conditions existing, or requirements omitted, in contravention of any condition of any City approval, license or permit.

3. Any violation of Title 11 "Health and Safety" of the Los Angeles County Code, as adopted and/or amended by the City of Westlake Village.

4. Properties or structures, or portions thereof, maintained in a state of general dilapidation, disrepair or deterioration, or in such condition as to be detrimental to the public health, safety or general welfare.

B. Property Maintenance

1. Land, the topography, geology or configuration of which, whether in a natural state or as a result of the grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude, or any other condition thereon, as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties.

2. "Abandoned, unused or dilapidated personal property," as defined in this Chapter, which is accumulated or stored in yard areas visible from the public right-of-way or from any nearby or adjoining property. This shall include, without limitation: (i) abandoned and/or broken equipment or machinery; (ii) abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof; (iii) broken or discarded furniture, refrigerators, washer/dryers, and similar household equipment; and (iv) packing boxes and lumber.

3. Any accumulation or storage of junk, trash, debris, dirt piles or other items of personal property that: (i) constitutes a fire or safety hazard; or (ii) is likely to harbor or promote the presence of rats, insects, or vermin or would otherwise constitute any violation of Title 11 "Health and Safety" of the Los Angeles County Code, as adopted and/or amended by the City of Westlake Village; or, (iii) is offensive to the senses; or (iv) is detrimental to nearby properties or persons, or to property values.

4. Vegetation that is overgrown or dead, decayed, detrimental, diseased or hazardous, as defined in this Chapter, on any unimproved or improved nonresidential property, or abutting parkway.

5. Any conditions constituting an attractive nuisance to children, vagrants or vandals, as defined in this Chapter.

6. The parking or storage of any motor vehicle, motorhome, trailer, camper, camper shell, boat, recreational vehicle, or similar forms of personal property, or the placement or storage of building materials and equipment (not used in connection with any ongoing and valid construction activity at that property) in any required front yard, street side yard (unless said side yard is reasonably and lawfully screened), or any other yard area abutting a street. This subsection shall not prohibit the parking of any licensed and operable passenger vehicle, including pickup trucks not exceeding six thousand (6,000) pounds unladen, on a paved driveway which leads to a garage or lawful storage area.
7. Commercial vehicles and heavy construction equipment, parked or stored without a permit on any portion of any residential yard areas, unless such items are reasonably permitted and present pursuant to a "Valid and Ongoing Construction Activity" as defined in this Chapter. Such items include, but are not limited to: (i) trucks or vehicles exceeding six thousand (6,000) pounds unladen; (ii) any commercial vehicle as defined in the California Vehicle Code or other State laws; (iii) tractors, backhoes and similar construction equipment and machinery. This subsection shall not prohibit the parking of any licensed and operable pickup trucks, not exceeding six thousand (6,000) pounds unladen, on a paved driveway which leads to a garage or lawful storage area.

8. Any personal or real property maintained in such a manner as to result in a pooled-oil accumulation on land, oil or petroleum-based products flowing onto public rights-of-way, or accumulations of grease, oil, or petroleum-based products of any kind on paved surfaces, buildings, walls or fences.

9. The placement or storage on land of hazardous or toxic materials or substances, as so classified by any local, State or federal laws or regulations, or, the creation, generation, release or discharge of particulates, dust, other emissions, or fumes in any manner that is prohibited by local, State or federal law in such a manner as to be contrary to law or regulation, or injurious or potentially injurious to the public health, safety or welfare, or to adjacent properties.

10. The presence of any hazardous, open excavation, unless such excavation is part of a "Valid and Ongoing Construction Activity" as defined in this Chapter, and, provided such excavation is properly secured or fenced, and is not easily accessible to minors or trespassers.

11. The presence of (i) excavations, or standing or stagnant water likely to encourage the presence or proliferation of insects, algae or bacteria; or (ii) any other excavation or stagnant water condition which a county health inspector or authorized designee determines to constitute a violation of any provision of Title 11 "Health and Safety" of the Los Angeles County Code, as adopted and/or amended by the City of Westlake Village. This includes, but is not limited to: unsanitary, polluted or unhealthful pools, ponds, standing water or excavations containing water that are not attractive nuisances but which are nevertheless likely to harbor mosquitoes or other insects. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or, bodies of water which are abandoned, neglected, unfiltered or otherwise improperly maintained.

12. Garbage cans or containers and recycling containers stored in any front yard or side yard exposed to the general public, except when lawfully placed for collection. Side yard placement is permitted only if the area is lawfully screened from public view and adjoining properties.

13. Any unlawful form of obstruction or encroachment on any public property without a permit, including but not limited to any public street, public alley, highway, right-of-way, park, building, or other land or structure dedicated to public use or used by the public.

14. Any repairs, dismantling or body work being made to any vehicle, boat, camper, camper shell, trailer, gasoline-powered motorized device, recreational vehicle, or similar equipment, on a driveway or in any yard area on any property located in any residential zone which activity: (i) is visible from the street, sidewalk or any other public right-of-way or service easement; or (ii) occurs within the front yard area of any flag lot, as defined in Article 9 "Zoning Regulations." This subsection shall not prohibit "routine maintenance," as defined in this Chapter, of the personal property listed above, provided such routine maintenance is performed between the hours of 7:00 a.m. and 7:00 p.m.

15. Clotheslines in front yard areas, or other yard areas visible from any public right-of-way or nearby or adjoining public or private property.
16. The use of artificial turf in any yard area that is visible from a public street, sidewalk or any other public right-of-way, or that is within the front yard area of a flag lot, unless such turf meets the following standards:

a. General Requirements.
   i. The turf blades shall be not less than one and three-quarter (1.75) inches long and shall be a combination of turf and thatch. Turf shall be one hundred (100) percent polyethylene monofilament fiber. Thatch shall be made of polypropylene or nylon. Artificial turf shall be at a minimum weight of eighty (80) ounces per square yard. Turf to thatch weight ratio shall be sixty-five (65) percent turf weight to thirty-five (35) percent thatch weight.
   ii. The turf shall have the ability to drain water at a rate of not less than six (6) inches of rain per hour, per square yard.
   iii. The infill system shall consist of #20 or #30 grit sand, zeolite or coated core infill product, spread evenly at a rate of no less than one pound of infill per square foot.
   iv. Products without a thatching system are prohibited.
   v. The turf shall be installed by a licensed contractor and maintained to industry standard, with no edges exposed.
   vi. The turf shall be kept in a state of good repair, with rips, tears, or other damage repaired.

b. Minimum Properties.
   i. Overall weight shall be no less than eighty (80) ounces per square yard.
   ii. Slit film products are prohibited.
   iii. Pile height shall be no lower than one and three-quarter (1.75) inches.
   iv. Tufting gauge shall be no less than three-eighths (3/8) inch.
   v. Colors for turf shall be field green, lime green, and olive green blends for a natural look. Colors for thatch shall be tan or brown.
   vi. Primary backing materials shall be stabilized thirteen (13) pick, double layered, woven polypropylene.
   vii. Secondary backing materials shall be polyurethane.

c. Base.
   i. The base shall consist of no less than two (2) inches of a permeable base mixture compacted and shaped for a natural look.
   ii. The base underneath the turf shall be fastened in a manner so that the base materials will hold their form.
   iii. Base materials shall consist of Class 2 road base that will shape, compact and drain at a rate not less than the approved turf. A substitute material may be used if deemed to be equally permeable by the Planning Director.
   iv. Neither rubber nor decomposed granite shall be used as the base system.
   v. Any securing stakes shall be no shorter than five (5) inches and shall be galvanized.

d. Warranties.
   i. The turf shall come with a minimum one-year warranty against installation defects.
ii. The turf shall come with a minimum eight-year, full replacement warranty against manufacturer’s defects or ultra violet light degradation.

iii. A geotextile weed block fabric shall be included with the installation.

C. Structures

1. Buildings, abandoned structures or other structures that are partially destroyed, partially constructed or allowed to remain in a state of partial construction or neglect for an unreasonable period of time. As used herein, an "unreasonable" period means the absence of substantial progress in repairs or construction for a period of thirty (30) days after City notification to a responsible person of the existence of a public nuisance.

2. Building interiors or exteriors, walls, other structures, driveways, sidewalks, walkways and parking areas that are maintained in such a manner as to become so defective, unsightly, or in such condition of deterioration or disrepair that they cause depreciation of the values of surrounding property(ies) or are materially detrimental to nearby properties and improvements.

3. Any building or structure possessing a condition that diminishes, impairs, reduces, compromises or threatens its structural integrity, design or safety.

4. The maintenance or use of any building or structure in a manner for which it was not designed, intended, built, permitted or approved by the City, including but not limited to, buildings [other than residential structures] painted in a color, shade, or pattern that is substantially out of harmony and character with the color, shade, or pattern of the original color scheme or conditions of approval required by the City.

5. The placement in a structure of hazardous or toxic materials or substances, as so classified by any local, State or federal laws or regulations, in such a manner as to be contrary to law or regulation, or injurious or potentially injurious to the public health, safety or welfare or to adjacent properties.

6. Broken, defective, damaged, dilapidated, or missing windows or doors in a structure.

7. The failure to close or to keep secure all doorways, windows, garages and other openings into vacant structures and/or gates into yard areas of vacant or abandoned structures or properties.

8. Maintenance of signs, or sign structures, on property relating to uses no longer conducted or products no longer sold thereon or signs and their structures that are in disrepair or which are otherwise in violation of Chapter 9.18 [Signs] of Article 9 [Zoning Regulations].

9. Any form of an abandoned structure, as defined in this Chapter.

10. Causing, maintaining or permitting graffiti, as defined in Chapter 4.7 of the Westlake Village Municipal Code, to remain on any building, facility, structure, or portion thereof that is visible from a public right-of-way or from any nearby or adjoining property.

11. Failure to provide adequate weather protection to buildings or other structures, as evidenced by, without limitation, cracked, peeling, warped, rotted, or severely damaged or nonexistent paint, stucco or other exterior covering, or roofs with missing, deteriorated or damaged portions. This subsection shall not apply during "Valid and Ongoing Construction Activity" as defined in this Chapter—provided that the lack of weather protection is reasonably related to a construction necessity as contemplated in the permit, and provided the lack of weather protection is not continued for any unreasonable period of time. For purposes of this Section, the lack of proper weather protection during construction for a period of more than thirty (30) days is presumed to be unreasonable, as is the failure to provide weather protection within ten (10) days of any City request or notice to do so.

12. Any wall or fence, or portion thereof, that is in a condition of dilapidation or disrepair, including, without limitation, those that severely lean or list more than fifteen (15) degrees
from perpendicular, or are in danger of collapse or falling over due to the elements, pest infestation, dry rot or other damage.

(Ord. No. 192-05, Amended, 3/9/05)


4.8.020. - Notice of Public Nuisance and Order to Abate.

A. Whenever the Director of Planning, or his or her designee, determines that any property, condition or activity within the City is occurring or being maintained in a manner constituting a public nuisance, the Director of Planning, or his or her designee, may issue a written notice and order to abate the nuisance. The notice shall be in writing and issued to the property owner, and shall contain the following information:

1. A description of the nuisance condition(s);
2. A reference to the law describing or prohibiting the condition(s);
3. A brief description of the required corrective action(s);
4. A time period of ten (10) calendar days, or any reasonable time period as determined by the Director of Planning, from the date of service of the notice, for completing the corrective action(s);
5. A warning that if the nuisance is not abated within the required time, abatement by City forces may be initiated, with all abated items to be removed and destroyed without regard to salvage value, and with the costs of such actions to be charged as a lien or assessment and collected as provided in this Chapter;
6. A statement as to whether the City intends to seek attorneys’ fees at the conclusion of the abatement process;
7. A statement of the available right, within ten (10) calendar days, to submit a written request for an appeal hearing as provided for in this Chapter; and
8. A statement that a failure to file a timely written appeal request will render the Director’s determination final.

B. The notice requirements and administrative abatement provisions contained in this Chapter apply specifically, and only, to instances to where a public nuisance is declared, and abatement by City forces is sought. In no event shall this Chapter or its requirements limit the right of City officials to issue written or oral notices of code violations to persons specifying shorter or different compliance periods when abatement by City forces is not the contemplated remedy.

C. The notice shall be written in a form and may be consistent with the following:

[Sample] Notice of Public Nuisance and Order to Abate

[Date]

[Addressee(s)]

Re: Public Nuisance at __________ Westlake Village, California.

APN: ______

Notice is hereby given that, based upon conditions or activities observed on [date(s) _______] at the above-referenced real property, the following violations and nuisance conditions or activities were found to exist:
(1) [Describe condition(s) or use(s)] _____ in violation of Westlake Village Municipal Code, Section(s) _______.

Required Corrective Action(s) : _______ (with all required permits, approvals and inspections).

Required Completion Date : _______.

[repeat above for multiple violations]

The foregoing violation(s) is/are declared to be a public nuisance that is subject to abatement by lawful rehabilitation, demolition, repair, removal or termination,

Notice is further given that you may appeal this Notice of Public Nuisance and Order to Abate by filing a written request for a hearing (before the City Manager) with the City Clerk within ten (10) calendar days of service of this Notice. No fee shall be due for the filing of an appeal from a Notice of Public Nuisance and Order to Abate. Failure of the City Clerk to receive a timely appeal constitutes a waiver of your right to any further administrative appeal and renders the Notice of Public Nuisance and Order to Abate final and binding.

Notice is further given that, if the violations are not abated within the time specified and a timely appeal is not made, such nuisance may be abated by municipal authorities, or their designees and contractors, in the manner stated in this Notice, or any lawful manner. On such occasions, all costs of the abatement as defined in Chapter 4.8 of the Westlake Village Municipal Code, shall be assessed against the responsible person(s) and/or the subject property as a lien, or as a special assessment.

Notice is further given that the City [ DOES or DOES NOT ] intend to seek recovery of all of its reasonable attorneys' fees in connection with this abatement action.

Notice is further given that, in the event of abatement by City forces, all personal property constituting a public nuisance may be removed from the subject premises or from public property and destroyed or disposed of, without regard to its actual or salvage value.

Dated: This _____ day of _______, 20__.

Director of Planning, or Designee

(Ord. No. 192-05, Amended, 3/9/05)

4.8.030. - Service of Notice.

The notice issued pursuant to Section 4.8.020 of this Chapter shall be addressed to the owner of the property as shown on the latest equalized tax assessment roll at the owner's last known address and shall be served by depositing a copy of the notice in the United States mail, postage paid, or, personally delivering a copy of the notice to the owner. Notice shall also be posted in a conspicuous place at the subject property.

The notice may also be issued to any known or possible responsible persons, in addition to the owner, at the election of the Director of Planning or his or her designee. If such an election is made, service shall be accomplished in the same manner as required for owners. Nothing in this subsection, however, shall be construed as requiring notice to any person other than the owner.

The failure of any person to receive notice shall not affect the validity of any proceeding under this Chapter.

(Ord. No. 192-05, Amended, 3/9/05)
4.8.040. - Right of Appeal—Failure to Appeal.

A. An owner or responsible person may appeal a notice of public nuisance on a City approved form. A timely appeal request will result in a hearing before the City Manager pursuant to the requirements of this Chapter. All appeals shall be in writing, and must be received by the City Clerk within ten (10) calendar days of the date of service of the notice. No fee shall be due for the filing of an appeal from a notice.

B. If a timely written appeal request is not received by the City Clerk, the determination that a public nuisance exists becomes final, and the City may, without any administrative hearing, cause the abatement of any or all of the nuisance conditions or activities stated in the notice, and may seek to recover the costs of same, as provided in this Chapter.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.050. - Appeal Requests.

A. The appeal shall contain:
   1. A specific identification of the subject property by address and/or assessor's parcel number;
   2. The names, addresses and telephone numbers of all persons making the appeal;
   3. A statement of each appealing person's interest or relationship to the subject property;
   4. A statement of the specific provision(s) in the notice that is/are being appealed and all grounds and material facts in support of the appeal;
   5. The date and signature of person making the appeal;
   6. The verification of at least one person making the appeal as to the truth of the material facts recited or stated in the appeal request.

B. As soon as practicable after receiving the appeal, the City Clerk shall set a date for the City Manager to hear the matter, which date shall be not less than ten (10) calendar days, nor more than forty-five (45) calendar days from the date the appeal was received. The City Clerk shall give each appealing person written notice of the date, time and place of the appeal hearing at least ten (10) calendar days prior to its occurrence. Service of the notice of hearing shall be made by first class mail, postage prepaid, to each appealing person at the address(es) shown on the appeal request form. The failure of a person to receive a properly addressed notice of hearing shall not invalidate any action or proceeding by the City pursuant to this Chapter.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.060. - Appeal Hearing.

A. At the place and time set forth in the notification of appeal hearing, the City Manager shall hear the testimony of the appealing person(s), the issuing officer or other City officials or representatives, and/or their witnesses, as well as consider any documentary evidence presented by these persons concerning the alleged nuisance or other grounds for appeal. The City Manager may continue the hearing on his or her own motion.

B. The purpose of the hearing will be to determine: (i) whether the Director of Planning correctly concluded that a nuisance existed at the time of the notice; (ii) whether the nuisance has been abated or continues to exist; (iii) what corrective orders, cost reimbursements and timeframes, if any, shall be issued to the responsible person(s) or owner(s); and, (iv) whether the City should abate the nuisance.

C. The City bears the burden of proof to establish that a nuisance existed, or exists, by a preponderance of evidence, however, the appellant shall have the opportunity to present whatever relevant evidence
or testimony he or she deems appropriate. The formal rules of evidence shall not apply, and any witness may submit declarations in addition to, or in lieu of, oral testimony. The appellant may bring witnesses, an attorney, and/or an interpreter to the hearing at his or her sole expense.

(Ord. No. 192-05, Amended, 3/9/05)


A. Any owner or responsible person shall have the right to abate a nuisance in accordance with the notice at his or her own expense.

B. An appeal hearing may be cancelled if all nuisance conditions or activities are, as determined by the City, fully and lawfully abated with all required permits, approvals, fees and inspections prior thereto. In such event, notice of cancellation shall be served on each appealing person(s) by first class mail, postage prepaid.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.080. - Notice of Decision and Order—Service Thereof.

A. Within a reasonable time, not to exceed fifteen (15) calendar days following the conclusion of the hearing, the City Manager shall render his or her written notice of decision containing the following determinations:

1. A finding and description of each nuisance condition at the subject property and the applicable law, or the nonexistence of a nuisance. However, in the event all nuisance conditions identified in the original notice are found to exist, the City Manager may simply affirm and attach the original notice, without further specific findings as to individual nuisance conditions.

2. The name of each person responsible for a nuisance condition, or conditions, at the subject property, as well as the name of any alleged responsible person who lacks responsibility therefore.

3. The required corrective action and completion date for each unabated nuisance condition. Such provisions in the decision shall be referred to as an "Order of Abatement."

4. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

5. Statements and advisements regarding the consequences of a failure to abate, including: (i) the decision is final; (ii) the City may cause abatement using City forces or agents; (iii) costs and fees for abatement may be collected as lien or assessment; (iv) items removed will be destroyed without regard to salvage value; and (v) judicial review of the decision is governed by Code of Civil Procedure 1094.6. Such advisements may be made in a form similar to the following:

In the event you fail to fully comply with a Decision and/or Order of Abatement, the City may cause the abatement of the nuisance condition(s) or activities using City forces or agents. The costs and expenses therefore, and any code enforcement fees, as well as attorneys’ fees, if sought pursuant to the provisions of Chapter 4.8, will be charged to you. In addition, said costs, expenses and fees may be recovered in any manner provided by law, including, without limitation, by the placement of a special assessment or lien against the property on which the nuisance is committed or maintained.

All personal property that is removed by City forces from premises in the abatement of a nuisance shall be lawfully disposed of or destroyed without regard to its actual or salvage value.

The decision of the City Manager is final and conclusive. Judicial review of any final decision is subject to the time limits set forth in California Code of Civil Procedure, Section 1094.6.
B. A copy of the notice of decision shall be served within fifteen (15) calendar days of the hearing by first class mail, postage prepaid, to each appealing person at the address(es) shown on the appeal request form. Service of the decision is deemed complete at the time of mailing. The failure of a person to receive a properly addressed decision shall not invalidate any action or proceeding by the City pursuant to this Chapter.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.090. - Abatement by City.

A. If an owner or responsible person fully complies with an order of abatement with all required permits, approvals, fees and City inspections by the deadline(s) stated in the Decision and Order to Abate, City forces shall not proceed with any nuisance abatement actions. The City may continue with its right to have its costs, expenses, code enforcement fees and attorneys' fees paid and secured pursuant to the provisions of this Chapter, or as otherwise allowed by State law.

B. If the nuisance condition(s) is/are not fully abated, with all required City permits, approvals and inspections in the abatement period(s), the City Manager, or his/her designee, may cause the same to be abated by City forces. The Director of Planning, or his/her designee, as well as private persons under contract with the City, are expressly authorized to enter upon said property for this purpose in a lawful manner pursuant to an abatement warrant.

C. No person shall obstruct, impede, or interfere with City employees or private forces in the performance of any act that is carried out in complying with an order of abatement pursuant to this article.

D. All personal property that is removed by City forces from premises in the abatement of a nuisance may be lawfully disposed of or destroyed without regard to its actual or salvage value.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.100. Abatement Costs—Service Thereof—Appeal Right.

A. The Director of Planning shall keep an account of all "abatement costs and expenses," as defined in Section 4.8.005 of this Chapter, and within thirty (30) days of completion of all nuisance abatement actions, he or she shall render a notice and statement of the City's claim to the owner(s) and responsible person(s), in the manner required by Section.

B. The accounting of such abatement costs and expenses (including attorneys' fees, when sought) shall hereafter be collectively referred to as the "Claim."

C. Notice of the claim, together with the claim itself, shall be served upon the owner(s) and responsible person(s) in the same manner as required for the notice of the nuisance as set forth in Section 4.8.030 of this Chapter (via U.S. mail and posting at the property). In addition, the notice of the claim (only) must also be published in a newspaper of general circulation pursuant to Section 38773.1 of the Government Code. Service of the claim shall be deemed complete at time of mailing, posting and publication (whichever occurs latest in time). The failure of an owner or responsible person to receive a properly addressed copy of the claim, or notice thereof, shall not invalidate any City action or proceeding pursuant to this Chapter.

D. The notice of the claim shall contain the following:
   1. Identification of the property that is the subject of the claim;
   2. The amount of the claim;
   3. A statement that the claim may be appealed to the City Manager;
4. A statement that appeal requests shall be made in writing, on a City approved form, and must be received by the City Clerk within ten (10) calendar days from date of service of the notice of the claim.

5. A statement that the failure to file a timely appeal request shall constitute a person's waiver of the right to a hearing before the City Manager. In such an instance, the claim shall be deemed final and conclusive.

(Ord. No. 192-05, Amended, 3/9/05)


A. If an appeal hearing is properly requested, the hearing shall be conducted pursuant to the procedures set forth in Section 4.8.060 "Appeal Hearing." Notwithstanding Section 4.8.050(B) of this Chapter, however, the appealing person(s) shall be served with notice of the appeal hearing a minimum of five (5) calendar days before the date of the claim hearing.

B. The purpose of the hearing will be for the City Manager to review and pass upon the claim, together with any objections or protests raised by any of the persons liable for the cost of abating the nuisance. Thereupon, the City Manager shall make such revision, correction and modification to the claim as the City Manager may deem just, after which the accounting as submitted, or as revised, corrected or modified, shall be confirmed.

C. The failure to file a timely appeal request shall constitute a person's waiver of the right to a hearing before the City Manager. In such an instance, the claim shall be deemed final and conclusive, and shall be due in full immediately upon the expiration of the ten (10) day appeal period.

D. Upon the conclusion of any timely requested appeal hearing, notice of the final decision as to the claim shall be prepared and in the same manner as provided for in Section 4.8.080 "Notice of Decision and Order"—including the following admonitions as specified in Section 4.8.080(A)(5): (i) the decision is final; (ii) costs and fees for abatement may be collected as a lien or assessment; and (iii) judicial review of the decision is governed by Code of Civil Procedure 1094.6. The decision of the City Manager is final, and the claim, if affirmed, shall become due in full at the expiration of any payment period specified in such notice.

E. In the event a claim is not paid when due, the City may collect same by any lawful means specified in the Westlake Village Municipal Code, or pursuant to State laws.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.120. - Lien or Special Assessment.

A. In the event a claim is not paid when due, the City elect to record a nuisance abatement lien, or make the claim a special assessment against the property on which the violation occurred, provided the responsible person has a legal interest therein.

B. The City shall comply with all notice and other provisions of California Government Code, Section 38773.1 in its procedures for the perfection of a nuisance abatement lien. The notice and other provisions of California Government Code Section 38773.5 shall be followed in the City's procedures for the creation of a special assessment.

C. The City's claim shall also be a personal obligation against the property owner of the premises upon which a nuisance was abated, if the owner is a responsible person.

D. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such liens and special assessments. Moreover, in accordance with the provisions of the laws of the State of California, the City may cause the amount due to the City by reason of its abatement action together with interest at the maximum legal rate, accruing from the date of the completion of the
abatement, to be charged to the owners of the property, or to any responsible party with a legal interest in the property, as a special assessment on the next regular tax bill.

E. After recordation, a nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment or by any other means provided by law.

F. A notice of a nuisance abatement lien for recordation shall be in form substantially as follows:

NOTICE OF NUISANCE ABATEMENT LIEN

Recorded Requested by
and When Recorded Mail To:

City of Westlake Village
31200 Oak Crest Drive
Westlake Village, CA 91361
Attn: __________

City File or reference No. _______

Pursuant to the authority vested by Chapter 4.8 of the Westlake Village Municipal Code, the City of Westlake Village did, on or about the __________ day of __________, 20__, cause a nuisance condition or conditions at the property hereinafter described to be abated pursuant to an Order of Abatement issued by __________ on __________.

The City of Westlake Village's abatement costs and expenses as provided for in Chapter 4.8 of the Westlake Village Municipal Code, have been affirmed in the total the sum of $__________ (hereafter the "Claim").

Upon recordation, this Notice shall constitute a nuisance abatement lien upon said real property until the Claim has been paid in full and discharged of record.

The real property hereinafter mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Westlake Village, County of Los Angeles, State of California commonly known as:

Street Address:

APN #:

Recorded Owner(s) / Mailing Address:

In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the amount of the lien, the name of the agency on whose behalf the lien was imposed, the date of the abatement order, the street address, legal description, assessor parcel number and the name and address of the recorded owner(s) of the property shall be recorded by the governmental agency. The release of the lien shall be indexed in the grantor-grantee index.

Dated this _____ day of ________, 20__.

City Manager or Designee

(Ord. No. 192-05, Amended, 3/9/05)
4.8.130. - Recovery of Attorneys' Fees.

A. A prevailing party in any action, administrative proceeding, or special proceeding to abate a nuisance may recover reasonable attorneys' fees in accordance with the following subdivisions:

1. Attorneys' fees are not recoverable by any person as a prevailing party unless the City elects in writing to seek recovery of such attorneys' fees at the initiation of that individual action or proceeding. Notice of such election shall be provided to the owner and any known responsible persons in writing as specified in this Chapter. Failure to make such an election precludes any entitlement to, or award of, attorneys' fees in favor of any person or the City of Westlake Village.

2. An action or proceeding is initiated upon the City of Westlake Village's service of any "Notice of Public Nuisance and Order to Abate" under Section 4.8.020 of this Chapter to the owner or any responsible person pursuant to the provisions of this Chapter, or upon the filing by the City of Westlake Village or the People of the State of California, of any complaint, motion or pleading relating to the existence or maintenance of a public nuisance in any civil or equitable court of competent jurisdiction. Unless otherwise permitted by law, attorneys' fees are not recoverable in criminal prosecution actions.

3. The City of Westlake Village is the "prevailing party": (i) when an administrative determination of the existence of one or more conditions constituting a public nuisance is made final, or (ii) when a judge, commissioner or other judicial officer renders a judgment, decree or order finding the existence of a public nuisance and/or enjoining its continued existence. A person alleged to be responsible for causing, maintaining or permitting a public nuisance is the "prevailing party" only: (i) upon a final administrative determination finding the absence of all alleged public nuisance conditions or responsibility therefore, or, (ii) when a judge, commissioner or other judicial officer renders a judgment, decree or order in a civil or equitable action that states similar findings.

4. In no event shall a person be considered a prevailing party if said person is found to be responsible for at least one public nuisance condition, regardless of prevailing in the same action or proceeding with regard to other alleged nuisance conditions due to their absence, subsequent abatement, or a person's lack of responsibility therefore.

B. Provided that the City of Westlake Village has made an election to seek attorneys' fees, any award attorneys' fees to a person shall not exceed the amount of reasonable attorneys' fees incurred by the City of Westlake Village in said action or proceeding.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.140. - Code Enforcement Fees.

A. Pursuant to California Health and Safety Code, Section 17951 et. seq., responsible persons shall be required to pay reasonable fees (when this obligation is imposed by ordinance or resolution of the City Council pursuant to the procedures set forth in Government Code Section 66016) to the City to defray the costs of code enforcement. Such fees, if prescribed by the City Council, may be imposed only in the following circumstances:

1. For inspections made at any apartment houses, hotels, motels and dwellings, and buildings and structures accessory thereto, in order to: (i) investigate a complaint of a violation of a building, housing, and health or safety code; or (ii) to hold meetings or conferences with responsible persons to ensure the correction of a noticed code violation or nuisance; and

2. For copies of reports and records relating to any code enforcement activity regarding the foregoing structures.

B. The obligation under this Section to pay code enforcement fees to the City shall exist irrespective of the City's exercise of its administrative or other remedies to cause the abatement of a violation or public nuisance.
4.8.150. - Summary Abatement.

A. Notwithstanding any other provision of this Code to the contrary, any condition that presents an immediate or imminent hazard or threat to life, limb, health, property, safety or welfare, may be immediately and summarily secured or abated in such a manner so as to mitigate or eliminate the potential for injury to persons or property. Except as provided in subsection B of this Section, the following procedures shall be adhered to in each such instance:

1. The condition is immediately brought to the attention of the City Manager, or his or her designee, and the City Manager or designee, concurs that emergency action is necessary, and

2. The City Manager or designee shall first make a reasonable and timely attempt to identify and contact, by telephone or otherwise, the owner, occupant or tenant of the property to notify such person of the dangerous or hazardous condition and to seek immediate voluntary abatement. If such attempt is unsuccessful, or if the owner, occupant, tenant or other responsible person fails or refuses to act immediately, then the City Manager or designee may proceed with emergency action(s) to protect life or property.

B. In the event the condition to be abated is so immediately hazardous that it would be unreasonable and dangerous to life or property to expend the time necessary to seek City Manager approval and voluntary abatement from a responsible person, City forces may proceed with emergency abatement actions without undertaking such efforts.

C. The costs of such emergency abatement actions are to be charged to the responsible person(s) and collected in accordance with any of the methods provided for in this Code, or as otherwise provided by law.

D. No civil liability shall attach to any City forces engaged in or undertaking an emergency abatement action, except as imposed by law.

4.8.160. - Treble Costs.

Upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that an owner of property, or a person described in paragraph (3) of subdivision (d) of Government Code Section 38772, is responsible for a condition constituting a public nuisance subject to abatement pursuant to applicable provisions of this Chapter, except for conditions which are abated pursuant to Section 17980 of the California Health and Safety Code, the court may order an owner of property or that person to pay treble the costs of abatement, as provided in Government Code Section 38773.7.

4.8.170. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

(Ord. No. 192-05, Amended, 3/9/05)

Judicial review of any final administrative determination made pursuant to this Chapter is subject to the timeframes set forth in Section 1094.6 of the Code of Civil Procedure.

(Ord. No. 192-05, Amended, 3/9/05)

4.8.190. - Penalty.

A. Any responsible person who allows, causes, permits or maintains a violation of law or a public nuisance to exist in connection with real or personal property, in violation of this Chapter, is guilty of a misdemeanor as set forth in the penalty provisions in Chapter 1.2 for each and every day such offense is maintained, continued or permitted.

B. Notwithstanding subsection A of this Section, offenses which have been specifically designated as infractions, as well as misdemeanor offenses which are prosecuted by the City Attorney or Prosecutor as infractions, shall be punished in accordance with Section 1.2.005(B) of this Code.

C. Any person who removes or destroys any posted notice or order issued pursuant to this Chapter is guilty of a misdemeanor.

D. Any person who obstructs, impedes, or interferes with any representative of the City or any other person lawfully engaged in proceedings involving the abatement of a nuisance is guilty of a misdemeanor.

(Ord. No. 192-05, Amended, 3/9/05)
Chapter 6.16 PUBLIC NUISANCES AND PROPERTY MAINTENANCE

Note

* For provisions regarding animal nuisances, see Section 7.04.010.

Article I. General

6.16.005 Declaration of purpose and statutory authority.

The purpose of this chapter is to establish comprehensive and transparent procedures for the administrative and summary abatement of public nuisances and code violations, including public nuisances related to property maintenance. The procedures established in these sections are in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address municipal code or applicable state code violations.

The provisions of this chapter are authorized by California Constitution, Article 11, Section 7, California Civil Code Sections 3491, 3479 through 3480.

6.16.010 Public nuisance defined.

“Public nuisance” means any condition caused, maintained, or in existence which constitutes a threat to the public’s health, safety, and welfare or to the environment, or which significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood, community, or to any considerable number of persons, or which constitutes a public nuisance under California Civil Code Sections 3479 through 3480.

“Public nuisance” also means real property which is maintained in such a defective, unsightly, dangerous, or deteriorated condition, or state of disrepair, that the property will or may cause harm to persons, or will be materially detrimental to property or improvements located in the immediate vicinity of the property. (Ord. CS-385 § 2, 2020)

6.16.015 Specific conditions constituting a public nuisance.

The existence of any of the following conditions on any property is a public nuisance:

A. Conditions related to property maintenance, as set forth in Article III of this chapter.
B. Any obstruction to the free flow of drainage water in a natural drainage course, such as streams, rivers, and creeks.
C. Land that is in a state to cause or contribute to erosion, subsidence, or surface water drainage impacting adjacent public properties.
D. Buildings which are abandoned, partially destroyed, or remain unreasonably in a state of partial construction with no observable work performed for a period of six months or longer.
E. Buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to such an extent they cannot be repaired so as to conform to the requirements of the building code in effect in this city. Buildings which have been partially destroyed or demolished by these causes and which remain in such a state for a period of six months or longer shall also be a violation of this subsection.
F. The failure to close, by means acceptable to the building official, all doorways, windows, and other openings into vacant structures.
G. Any condition, instrument, or machine on real property that is unsafe and unprotected and consequently dangerous to minors by reason of their inability to appreciate its peril, and which may be reasonably expected to attract minors to the property and thus risk injury to them by their playing with, in, or on it (i.e., attractive nuisances).

H. Graffiti on any public or privately owned structures within the city. For purposes of this chapter, “graffiti” means any form of painting, writing, inscription, or carving on any surface, regardless of the content or the nature of the material used in the commission of the act, which was not authorized in advance by the owner of the surface.

I. All other conditions deemed to be a “nuisance” or “public nuisance” as defined throughout this code.

J. Property upon which any violation of this code or any applicable state, county, or local law exists, or property which is used in violation of this code or any applicable state, county, or local law. (Ord. CS-385 § 2, 2020)

6.16.020 Determination of nuisance on real property.

Whenever the enforcement officer, as that term is defined in Section 1.10.010, determines that there exists on any real property in the city a public nuisance, the enforcement officer may serve upon the property owner and responsible party, as that term is defined in Section 1.10.010, a notice of violation under Section 1.10.030 setting forth the nature of the public nuisance. The notice shall be served in accordance with Section 1.10.040. (Ord. CS-385 § 2, 2020)

6.16.030 Right to appeal notice of violation.

The property owner and/or responsible party may appeal the notice of violation of public nuisance within 10 calendar days from the date of service of the notice of violation by filing a written request to appeal as required by Section 1.10.120. The administrative appeal procedures shall follow those set forth in Section 1.10.130. (Ord. CS-385 § 2, 2020)

6.16.040 Failure to abate nuisance.

If a public nuisance noticed pursuant to Section 6.16.020 is not appealed within 10 calendar days, and is not abated on or before the date described in the notice of violation, the city manager or designee shall cause to be issued a separate notice of nuisance abatement hearing, in accordance with Sections 6.16.050 and 6.16.060, for the holding of a public hearing before the city council to determine whether a public nuisance exists and whether abatement is appropriate. (Ord. CS-385 § 2, 2020)

6.16.050 Form and notice of nuisance abatement hearing.

Notice of the time and place of hearing before the city council shall be titled, “NOTICE OF NUISANCE ABATEMENT HEARING,” in letters not less than three-fourths of an inch in height and shall be substantially in the following form, as approved by the city attorney:

NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR PART.

Notice is hereby given that on the___day of___, 20___, at the hour of____, the City Council of Carlsbad will hold a public hearing in the Council Chambers, located at 1200 Carlsbad Village Drive, Carlsbad, California, to ascertain whether certain premises situated in the City of Carlsbad, State of California, more particularly described as:

[provide assessor’s parcel number and legal description]

constitute a public nuisance subject to abatement by the rehabilitation of the premises or by the repair or demolition of buildings or structures situated on the premises. If the premises, in whole or part, are found to constitute a public nuisance as defined by Chapter 6.16 of the Carlsbad Municipal Code, and if the premises are not promptly abated by the owner, the nuisances may be abated by municipal authorities and/or their contractors or agents, and the rehabilitation, repair, or
demolition will be assessed upon the premises and the cost will constitute a lien or special assessment against the land until paid. The alleged violations consist of the following:

[describe public nuisance violations]
The methods of abatement available are:

[describe methods]

All persons having any objection to, or interest in this matter are hereby notified to attend a meeting of the City Council of the City of Carlsbad to be held on the ___________day of____ 20_, at the hour of________ when their testimony and evidence will be heard and given due consideration.

DATED:

City Manager of the City of Carlsbad (or title of designee)

(Ord. CS-385 § 2, 2020)

6.16.060 Posting and service of notice of nuisance abatement hearing.

A. The city manager or designee shall cause to be served upon the property owner and any mortgagee and/or beneficiary under any recorded deed of trust of the affected premises a copy of a notice of nuisance abatement hearing as set forth in Section 6.16.050, and shall cause a copy to be conspicuously posted on the affected premises.

B. Notice shall be served as required by Section 110.040 at least 15 calendar days before the time fixed for the hearing. If any owner’s address is unknown, this shall be stated in the notice and the notice shall be sent to the owner in care of the San Diego County Tax Assessor. Proof of posting and service of the notices shall be made by an affidavit or declaration that shall be filed with the city clerk certifying the time and manner in which the notice was given, along with any registered or certified mail receipt cards which may have been returned to the city acknowledging receipt of said mail.

C. Prior to the hearing before the city council, a second notice shall be issued in the same manner as described above at least five calendar days before the time fixed for such hearing. The service is complete at the time of such deposit.

D. “Owner,” as used in this section, means any person in possession and also any person having or claiming to have any legal or equitable interest in the affected premises, including, but not limited to, a mortgagee and/or beneficiary, as disclosed by a current title search from any accredited title company. The failure of any person to receive the hearing notice does not affect the validity of the proceedings under this chapter. (Ord. CS-385 § 2, 2020)

6.16.070 Hearing by city council.

At the time stated in the hearing notice, the city council shall hear and consider all relevant evidence, objections or protests, and shall receive relevant testimony from owners, witnesses, city personnel, and interested persons relative to the alleged public nuisance and to the proposed rehabilitation, repair, or demolition of the premises. The hearing may be continued from time to time. (Ord. CS-385 § 2, 2020)

6.16.080 Decision of city council—Abatement order.

Upon or after the conclusion of the nuisance abatement hearing, the city council shall, based upon the hearing, determine whether the premises, or any part of it, as maintained, constitutes a public nuisance as defined in this chapter. If the city council finds that a public nuisance exists and that there is sufficient cause to rehabilitate, demolish, or repair the premises, the city council shall adopt a resolution (“abatement order”) setting forth its findings and ordering the owner or
other person having charge or control of the premises to abate the nuisance by having the premises, buildings, or structures rehabilitated, repaired, or demolished within the period specified in the resolution, which shall not be less than 30 calendar days after the adoption of the resolution, in the manner and by the means specifically set forth in the resolution. The abatement order shall also contain authorization for the city to abate the nuisance pursuant to this chapter if, in the city council’s discretion, it is determined that immediate abatement by the city in whole or in part is warranted. The decision and resolution of the city council shall be final and conclusive. (Ord. CS-385 § 2, 2020)

6.16.090 Limitation of filing judicial action.

Any owner or other interested person having any objections or feeling aggrieved at any proceeding taken by the city council in ordering the abatement of any public nuisance under this chapter must bring an action to contest the decision in a court of competent jurisdiction within the time period specified in Section 1.16.020. (Ord. CS-385 § 2, 2020)

6.16.100 Service of abatement order.

A. Within five calendar days of the adoption of the abatement order, the city shall post a copy of the abatement order conspicuously on the premises, buildings, or structures declared to be a nuisance and serve another copy to the parties as required by Section 1.10.040. The abatement order shall contain a detailed list of needed corrections and abatement methods. Any property owner has the right to have the premises rehabilitated or to have the buildings or structures demolished or repaired in accordance with the abatement order and at the owner’s own expense, provided the rehabilitation, demolition, or repair is done prior to the expiration of the abatement period set forth in the abatement order. Upon abatement in full by the owner, the proceedings under this chapter shall terminate.

B. If a nuisance is not completely abated by the owner within the designated abatement period, then the city manager or designee is authorized and directed to cause the nuisance to be abated by city agents, employees or by private contract. Upon request of the designated official, other city departments shall cooperate fully and shall render reasonable assistance in abating the nuisance.

C. Any parties authorized by the city manager or designee to perform the abatement work may enter upon the subject property only after: (1) receiving written consent of the property owner or his/her authorized agent; (2) the issuance of a judicially authorized inspection warrant; or (3) a determination by the city attorney’s office that an exception to the inspection warrant requirement applies. (Ord. CS-385 § 2, 2020)

6.16.110 Nuisance abatement violation—Penalty.

A. The owner or other person having charge or control of a buildings or premises who violates any abatement order issued under this chapter, or under state law where applicable, is guilty of a misdemeanor.

B. Any occupant or lessee in possession of a building or structure who fails to vacate the building or structure in accordance with an order issued under this chapter is guilty of a misdemeanor.

C. Any person who removes any notice or order posted under this chapter is guilty of a misdemeanor.

D. No person shall obstruct, impede, or interfere with any representative of the city council or with any representative of a city department or with any person who owns or holds any estate or interest in a building which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed, or with any person to whom the building has been lawfully sold pursuant to the provisions of this code, whenever the representative of the city council, representative of the city, purchaser, or person having any interest or estate in the building is engaged in vacating, repairing, rehabilitating, or demolishing and removing the building under the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work as authorized or directed under this chapter.

E. The provisions of this chapter are also enforceable, and violations are punishable, under Chapter 1.08. Chapter 1.08 allows for the issuance of infraction or misdemeanor citations for violations of certain sections of this code. Criminal prosecution shall not preclude nor be precluded by abatement of the violation or violations.

F. It is unlawful and a misdemeanor for any person to do any act or thing upon the property of another that is declared to be a public nuisance under any provision of this code, or to do anything or act upon the property of
another that results in the declaration of a public nuisance, without the express consent of the owner of the property. (Ord. CS-385 § 2, 2020)

6.16.120 Account of cost of abatement to be kept.

A. The city manager or designee shall keep an account of the cost of abatement and of rehabilitating, demolishing, or repairing any premises, buildings, or structures, including any related salvage value and administrative costs. Upon completion of this work, the city manager or designee shall authorize a written abatement cost report stating these costs.

B. For purposes of this chapter, “administrative costs” includes, without limitation, the actual expenses and costs of the city in preparing, printing, and mailing notices, specifications and contracts and in inspecting the work. (Ord. CS-385 § 2, 2020)

6.16.130 Copies of abatement cost report to be served.

The city manager or designee shall cause a copy of the abatement cost report to be served on the property owner and the responsible party per Section 1.10.040. (Ord. CS-385 § 2, 2020)

6.16.140 Challenges to abatement cost report.

The property owner and/or responsible party may dispute the abatement cost report within 10 calendar days from the date of service of the abatement cost report by filing a written dispute with the city clerk. The property owner and/or responsible party shall set forth the basis of the dispute and submit relevant documentation in support of their dispute. (Ord. CS-385 § 2, 2020)

6.16.150 Hearing on abatement cost report—Abatement cost order.

A. If a property owner and/or responsible party timely challenges the abatement cost report, the city council shall set the matter for hearing to determine the correctness or reasonableness, or both, of such costs.

B. A copy of the abatement cost report and notice of hearing shall be served upon the property owner and/or responsible party challenging the report in accordance with Section 1.10.040, at least five calendar days prior to the date of the city council hearing.

C. Proof of service of the abatement cost report and notice of hearing shall be made by affidavit or declaration under penalty of perjury, filed with the city clerk at least five calendar days prior to the date of the city council hearing.

D. At the time and place fixed for receiving and considering the report, the city council shall hear and pass upon the report of the costs of abatement, together with any objections, protest, or documentation submitted by the property owner and/or responsible party. By resolution, the city council shall adopt an abatement cost order that:

1. Determines the correct cost of abatement and related administrative costs.
2. If necessary, modifies the abatement cost report to conform to such corrected abatement and administrative costs.
3. Confirms the abatement cost report as presented or modified.
4. States the date of the final abatement cost report.
5. Determines and states the correct legal description of the subject property, the correct county assessor’s parcel number, the street address, and the name and address of the recorded owner based on the last equalized assessment roll or the supplemental roll, whichever is more current.

The decision of the city council shall be final and conclusive. (Ord. CS-385 § 2, 2020)

6.16.160 Abatement cost to be lien against property.
The cost of abatement and related administrative costs, as determined, shall be a:

A. Personal obligation of the person creating, causing, committing, or maintaining the nuisance abated;
B. Personal obligation of the property owner of the subject property; and
C. Special assessment against the subject property or a lien against the subject property. (Ord. CS-385 § 2, 2020)

6.16.170 Collection of cost of abatement.

The cost of abatement and any related administrative costs, as confirmed, may be collected by the city by the following means or any other lawful means:

A. Nuisance Abatement Lien. The city manager or designee may authorize recordation of a nuisance abatement lien in the office of the county recorder, along with an acknowledged copy of the abatement cost report(s), abatement cost order (if applicable), and the abatement order.

1. Prior to recordation, a notice of lien shall be served on the owner of record, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

2. The notice shall be served in the same manner as a summons in a civil action in accordance with California Code of Civil Procedure Section 415.10 et seq. If the owner of record after diligent search cannot be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of 10 calendar days and publishing it in a newspaper of general circulation in San Diego County pursuant to California Government Code Section 6062.

3. The nuisance abatement lien authorized by this section shall be in a form approved by the city attorney substantially as follows:

[Name and address of the recorded owner of the parcel]

NOTICE OF LIEN - CLAIM OF CITY OF CARLSBAD

Pursuant to the authority vested by the provisions of Chapter 6.16 of the Carlsbad Municipal Code, the city manager or designee of the City of Carlsbad did on or about the ___ day of ________, 20___, cause the premises hereinafter described to be rehabilitated, or the building or structure on the real property hereinafter described to be repaired or demolished, in order to abate a public nuisance; and the city manager/City Council of the City of Carlsbad (circle one) did on the day of ________, 20___, assess the cost of such rehabilitation, repair or demolition upon said real property hereinafter described; and the same has not been paid nor any part thereof; and that the City of Carlsbad does hereby claim a lien on such rehabilitation, repair or demolition in the amount of said assessment, to wit: the sum of $_______, and the same shall be a lien upon said real property until the same has been paid in full and discharged of record. The real property hereinafter mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Carlsbad, County of San Diego,

State of California, and more particularly described as follows: [Assessor Parcel Number and legal description]

DATED:

City Manager of the City of Carlsbad

4. From the date of recording, the nuisance abatement lien shall have the force, effect, and priority of a judgment lien and may be foreclosed by an action brought by the city for a money judgment.

5. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.
6. In the event that the lien is discharged or released or satisfied, either through payment or foreclosure, notice of the discharge ("release of lien") containing the information contained in subsection (A)(3) of this section shall be recorded in the county recorder’s office. A courtesy copy shall also be provided to the recorded property owner consistent with the service methods in Section 1.10.040.

B. Special Assessment. As an alternative to the recordation of a nuisance abatement lien, the city manager or designee may make the cost of abatement of a nuisance a special assessment against that parcel, using the following procedures:

1. The city manager or designee shall file an acknowledged copy of the abatement cost report(s), abatement cost order (if applicable), and the abatement order with the auditor of the county, who shall enter the assessment on the county tax roll opposite the subject property.

2. Prior to the filing with the auditor of the county in accordance with subsection (B)(1) above, the property owner, if his/her identity can be determined from the county assessor’s or county recorder’s records, should be provided a notice of special assessment by certified mail, similar in form to the notice of lien described in subsection (A)(3) of this section. The notice of special assessment shall include as an attachment an acknowledged copy of the abatement cost report, abatement cost order (if applicable), and the abatement order. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector’s power of sale shall not be affected by the failure of the property owner to receive notice.

3. The amount of the assessment may be collected at the time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

4. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches on the real property prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

5. If the city imposes an assessment pursuant to this section, it may, subject to the requirements applicable to the sale of property pursuant to California Revenue and Taxation Code Section 3691, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

C. Civil action by the city.

D. In addition to any other costs of abatement under this chapter, upon the entry of a second or subsequent civil or criminal judgment within a two-year period in which the owner of real property is responsible for a condition that may be abated under this chapter, except for conditions under the State Housing Law (see California Health and Safety Code Section 17980), a court may order the property owner to pay triple the costs of the abatement. (Ord. CS-385 § 2, 2020)

6.16.180 Strict liability offense.

Violations of this chapter shall be treated as strict liability offenses regardless of intent. (Ord. CS-385 § 2, 2020)

6.16.190 No mandatory duty.

Nothing in this chapter is intended to create a mandatory duty on behalf of the city or its employees under the Government Claims Act (California Government Code Section 900 et seq.) and no cause of action against the city or its employees is created by this chapter that would not arise independently of the provisions of this chapter. (Ord. CS-385 § 2, 2020)

6.16.200 Alternative means of enforcement.
This chapter is not the exclusive regulation of nuisance code violations. It shall supplement and be in addition to other regulatory codes, statutes, and ordinances enacted by the state or any other legal entity or agency having jurisdiction. Nothing in this chapter shall be deemed to prevent the city from authorizing the city attorney to commence any other available civil or criminal proceedings to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this chapter. (Ord. CS-385 § 2, 2020)

**Article II. Summary Abatement**

**6.16.210 General.**

A nuisance may be summarily abated without notice, hearing, or a warrant when immediate action is necessary to preserve or protect the public health and safety. Summary abatement actions are not subject to all of the requirements of Article I of this chapter, but instead shall be subject to the following requirements. (Ord. CS-385 § 2, 2020)

**6.16.220 Determination of summary abatement.**

A. The city manager or designee shall make a determination that a public nuisance exists that poses an immediate risk to the health, safety, or welfare of the public, persons in the city, or the environment.

B. Whenever possible, the city shall attempt to contact the responsible party and property owner as defined in Section 1.10.010, to request abatement of the nuisance prior to the city proceeding with summary abatement. If the responsible party and property owner are not available, or are incapable, or unwilling to abate the nuisance, the city may proceed with summary abatement using the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard.

C. Notwithstanding the requirement in subsection B, the city manager or designee may exercise the following powers without prior notice to the responsible party and property owner:

1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed.
2. Post the premises as unsafe, substandard, or dangerous.
3. Board, fence, or secure the building or site.
4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public.
5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard.
6. Take any other action as reasonably appropriate under the circumstances of an immediate hazard.
7. Exercise any of the summary abatement powers listed in this subsection to remove items placed or stored on city property, sidewalks, or public rights-of-way.
8. Pursue any administrative or judicial remedy to abate any remaining public nuisance. (Ord. CS-385 § 2, 2020)

**6.16.230 Summary abatement cost report.**

A. The city manager or designee shall maintain the following records and shall prepare a report of summary abatement that contains the following:

1. A description of the time, duration, type, and extent of the nuisance;
2. An evaluation of the risks to the health, safety, and welfare of the public and/or the environment caused by allowing the nuisance to continue;
3. Steps taken to contact the responsible party and property owner;
4. All costs associated with the investigation and summary abatement of the nuisance, including the costs of personnel, equipment, facilities, materials, and other external resources.

B. Within 10 business days after the determination is made by the city manager or designee to summarily abate the nuisance, a notice of determination and a copy of the report of summary abatement shall be served on the...
responsible party, the owner of record of the parcel of land where the nuisance originated, and all persons known to have any legal interest in the property. The city may charge the responsible party or the property owner with the full costs of investigation and summary abatement of the nuisance. (Ord. CS-385 § 2, 2020)

6.16.240 Summary abatement hearing.

A. A hearing to assess abatement costs and affirm whether immediate action was necessary to preserve or protect the health, safety, and/or welfare of the public, persons in the city and/or the environment shall be conducted before the city council at the request of the responsible party and/or the property owner.

B. The responsible party and/or the property owner must file a written request for a hearing with the city clerk within 30 calendar days of receipt of the notice of determination and report of summary abatement.

C. The hearing shall be scheduled before the city council within 60 calendar days of receipt of the request for a hearing.

D. Within 30 calendar days of receipt of the notice of determination and the report of summary abatement, and at least 30 calendar days prior to the scheduled hearing date, the responsible party and/or property owner may file a request with the city clerk for any and all evidence and objections regarding the need for summary abatement and/or the abatement costs.

E. The hearing and consideration may be continued from time to time and upon its conclusion, the city council shall, by resolution:
   1. Determine whether the nuisance posed an immediate risk to the health, safety, or welfare of the public, persons in the city, and/or the environment.
   2. Determine whether the responsible party was unavailable, incapable, and/or unwilling to abate the nuisance.
   3. Determine the correct abatement cost.
   4. If necessary, modify the report of summary abatement to conform to such findings as indicated above.
   5. Confirm the report of summary abatement as presented or modified.
   6. State the date of the summary abatement order.
   7. Determine and state the correct legal description of the subject property, the correct county assessor’s parcel number, the street address, and the name and address of the recorded owner based on the last equalized assessment roll or the supplemental roll, whichever is more current.

F. The decision of the city council shall be final. (Ord. CS-385 § 2, 2020)

6.16.250 Collection of cost of summary abatement.

In addition to any other applicable procedures, the cost of summary abatement may be collected in accordance with Section 6.16.170 or become a lien or special assessment against the property in accordance with Section 6.16.160. (Ord. CS-385 § 2, 2020)

Article III. Property Maintenance

6.16.260 Declaration of purpose and statutory authority.

Every person has the duty to maintain real property under the person’s control free from dirt, rocks, weeds, plant growth, waste, or other materials which are either dangerous or injurious to neighboring property or to the health or welfare of residents in the vicinity or which interfere with the use of public rights-of-way.

There continues to be a need for further emphasis on maintaining unobstructed rights-of-way, particularly as to plant growth. Unless corrective measures are taken to alleviate the existing conditions and to avoid future problems in this regard, the public health, safety, and general welfare and the property values and social and economic standards of this community will be depreciated.
6.16.270 Definitions.

For purposes of this article the following definitions apply:

“Liquid waste” includes oil, other petroleum products, paint, chemicals, and hazardous waste or materials.

“Litter” means small quantities of waste matter carried on or about the person including, but not limited to, beverage containers and closures, packaging wrappers, wastepaper, newspapers, magazines, or the contents of containers, closures, or wrappers.

“Littering” means the act of discarding, dropping, scattering, or disposing of litter in a location or container which is not used for the proper disposal of waste.

“Parking strip” means the portion of property between a public street and private property.

“Plant growth” means any flora, vegetation, or herbage.

“Property” means any real property, or improvements on real property, including that portion of any lot abutting a public street over which the city has an easement for right-of-way or utility service.

“Public property” means any property interest owned by, or otherwise granted to, the City of Carlsbad.

“Rubbish” means non-functional, non-usable, or abandoned material or matter. Rubbish includes ashes, paper, cardboard, tin cans, dirt, cut brush, yard and garden clippings or trimmings, wood, glass, bedding, cloth, clothing, crockery, plastic, rubber by-products, litter, machinery, vehicle parts, junk, and other similar items.

“Solid waste” means rubbish, broken concrete or asphalt, piles of rock, dirt, and other noncombustible materials and earth fill material not otherwise authorized by permit or ordinance for land development.

“Waste” means material of any nature that constitutes rubbish, solid waste, liquid waste, or medical waste. Waste may include abandoned or unidentified personal property that is left unattended on public sidewalks and rights-of-way or other public property. Waste does not include compost piles, composting, or recyclable material properly contained and disposed of in a timely fashion. (Ord. CS-385 § 2, 2020)

6.16.280 Enforcement authority.

The directors of community development or environmental management, and any other director or equivalent authority, authorized by the city manager or designee (collectively, “directors”) are authorized to administer and enforce the provisions of this article. The directors or their designated enforcement officers may exercise any enforcement powers as provided in Chapter 1.10 of this code. (Ord. CS-385 § 2, 2020)

6.16.290 Duty to maintain property.

A. It is unlawful for any property owner or responsible party, as defined in Section 1.10.010, to place or maintain dirt, rocks, plant growth, waste, or other materials on or about adjacent sidewalks, parking strips, alleys, streets, or other public property in a manner that is either dangerous or injurious to neighboring property or the health, safety, or welfare of residents in the vicinity; or in a manner that unreasonably interferes with or unreasonably obstructs the use of public rights-of-way. Any violation of this section is a public nuisance and, as such, may be abated or enjoined from further existence or operation within the city, pursuant to the procedures set forth in Article I of this chapter, except as set forth in subsections B and C of this section.

B. The director may require a property owner or responsible party to erect fences, barriers, berms, or other suitable means to discourage access to the property for littering or illegal dumping. This may include the posting of signs that prohibit littering and illegal dumping.
C. The director may authorize the collection or abatement of waste from small business enterprises that abut public property under the following circumstances:
   1. At the request of the affected property owner, if the director determines that reasonable efforts were made to comply with subsection A or B listed above; or
   2. When public health or safety requires such measures.

D. The director is authorized to assess costs against affected property owners for the abatement services performed by the city or its agents pursuant to Article I of this chapter. The director's cost assessment report may be challenged pursuant to the procedures in Article I of this chapter. (Ord. CS-385 § 2, 2020)

### 6.16.300 Violations.

Violations of this article may be chargeable as an infraction. The directors may also seek injunctive relief or civil penalties in the Superior Court, or pursue any administrative penalties under Chapter 1.10 of this code. (Ord. CS-385 § 2, 2020)

### 6.16.310 Administrative abatement procedure.

Any abatement action allowed by this article shall follow the procedures set forth in Article I of this chapter, except as provided in Section 6.16.290(B) and (C). (Ord. CS-385 § 2, 2020)

### 6.16.320 Abatement lien.

The cost of removal and abatement of a property maintenance public nuisance may be assessed against the abutting or adjacent property owner and may become a lien as authorized in California Government Code Section 39502. Designated enforcement officers shall follow the procedures in Article I of this chapter for assessment, execution, and collection of the lien. Enforcement of the lien may include sale of the property. (Ord. CS-385 § 2, 2020)

### 6.16.330 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each and every section, subsection, sentence, clause, and phrase of the chapter not declared invalid or unconstitutional, without regard to whether any portion of the chapter would be subsequently declared invalid or unconstitutional. (Ord. CS-385 § 2, 2020)

View the mobile version.
Public Safety Commission
Agenda Report

To: Chair Frost and Members of the Public Safety Commission

Prepared by: Susan Dueñas, Public Safety Manager

Approved by: Reva Feldman, City Manager

Date prepared: March 17, 2021  Meeting date: April 7, 2021

Subject: Community Crime Map

RECOMMENDED ACTION: 1) Receive a report on the LexisNexis Community Crime Map tool; and 2) Provide a recommendation to the City Council regarding a subscription for the Community Crime Map, if appropriate.

DISCUSSION: Law enforcement agencies keep detailed records about each incident that occurs in their jurisdiction. This information is stored in large, secure databases within each law enforcement agency. The Los Angeles County Sheriff’s Department uses LexisNexis to store this data and to share the data between departments. This system includes a Community Crime Map feature, which takes the data, cleans it to protect victim privacy, and displays it on a map for the public so they can be aware of events that occur in their area and make more informed decisions about how to stay safe. In addition, Community Crime Map can automatically alert the public about recent crime activity and provides a mechanism for submitting anonymous tips.

The types of crimes that can be shown on a map include homicide, attempted homicide, robbery-commercial, robbery-individual, aggravated assault, assault-other, burglary-commercial, burglary-residential, theft, fraud, shoplifting, theft-other, vehicle theft, vehicle burglary, arson, DUI, alcohol violation, drugs/narcotics violation, disorderly conduct, traffic incident, vandalism, and weapons violation.

The Community Crime Map feature is free for community members to access, but the City would need to purchase a subscription from LexisNexis. Staff recommends that the
Commission consider the value of this service and, if appropriate, make a recommendation to the City Council that the City subscribe to LexisNexis to provide the Community Crime Map feature to the community.

ATTACHMENTS: None.
Public Safety Commission
Agenda Report

To: Chair Frost and Members of the Public Safety Commission
Prepared by: Susan Dueñas, Public Safety Manager
Approved by: Reva Feldman, City Manager
Date prepared: March 17, 2021 Meeting date: April 7, 2021
Subject: Crime Suppression Team Activity

RECOMMENDED ACTION: 1) Receive a report on the Sheriff’s Crime Suppression Team activities; and 2) Provide feedback to staff and Sheriff’s Department personnel.

DISCUSSION: On February 8, 2021, the City Council approved funding for a four-month trial, from March through June, for two additional Los Angeles County Sheriff’s Department (LASD) deputies to work the night shift. Currently, the City’s contract with LASD provides for two deputies during nighttime hours; however, these deputies are required to respond to all emergent calls and are frequently unavailable to address other issues.

The additional deputies are working as a Crime Suppression Team and are addressing a variety of public safety concerns, including criminal transient activity and enforcement of the City’s new parking restrictions. The Council also requested that statistics be gathered on the impact of the additional patrol.

As of March 24, the Crime Suppression Team has engaged in the following activities:

- Conducted foot patrols of known transient encampments and engaged individuals or took actions, as appropriate
- Assisted local businesses with transient-related disturbances
- Conducted multiple traffic stops for various vehicle code violations and issued citations
- Arrested 18 people for various violations
- Assisted other units as needed
Staff will continue to collect activity reports of the Crime Suppression Team in preparation for reporting back to the City Council. Moving forward, these reports will be included with the Public Safety Agency Reports item on the Commission's agenda. At this time, the Commission is asked to provide feedback on the Crime Suppression Team's current efforts.

ATTACHMENTS:
ATTN: LASD/LHS Lieutenant Braden, City of Malibu RE: Malibu Crime Suppression Team  
Dates: 03/01/2021- 03/07/2021

Community Contacts / Activity:

• Conducted foot patrol of local transient encampment at the Zuma Beach parking lot entrance and located a deceased transient in tent at location.

• Recovered stolen vehicle located at PCH/Heathercliff Road.

• Contacted transient located at Zuma Beach underneath the Trancas bridge regarding illegal camping/accumulation of trash. Verbal warning issued. Individual agreed to remove trash and leave the area.

• Contacted two transient at PCH/Heathercliff (ARCO) regarding loitering in the area. Individuals left the area without incident.

• Conducted foot patrol at Dan Blocker beach and contacted local transient. Verbal warning issued for illegal camping. Individual agreed to leave the area.

• Red tagged RV on Malibu road.

• Contacted Lifeguard Captain at Zuma Beach LFG Headquarters and provided him with our contact information. Advised the Captain to contact us for any ongoing issues with local transients ect.

• Contacted Surfrider Hotel staff and provided contact information and advised them to contact us regarding any ongoing issues.

• Contacted IPS Security at Malibu Mart and provided contact information.

• Contacted Security at Ralphs (Malibu Road) and provided contact information for ongoing issues.

• Conducted foot patrol of local transient encampment at westward beach. No one present at the location.

• Contacted California State Parks Rangers and provided contact information and advised to contact us if any ongoing transient issues arise.

ATTACHMENT 1
Assists / Calls for Service:

• Assisted LHS units with fatality hit and run traffic collision on Topanga Canyon Boulevard.

• Assisted units with multiple transient related business disturbance calls located at Starbucks (Malibu RD).

• Assisted units for a possible medical emergency at EL Matador Beach.

• Conducted multiple traffic stops for various vehicle code violations and issued citations.

• Issued parking citation at Point Dume Preserve.

Arrests / Citations:

• Arrested suspect for Possession of Methamphetamine and being in possession of an open alcohol container in public located behind the Ralphs on Malibu RD.

• Arrested driver for driving with a suspended driver’s license.

• Arrested local transient for an outstanding warrant.

• Arrested local transient for possession of drug paraphernalia (meth pipe) and accumulation of trash located in homeless encampment behind Malibu Country Mart. Advised to pick up all trash and vacate the area no later than 03-09-2021.

• Arrested individual for an outstanding warrant for driving with a suspended license.

• Contacted transient who was camping in shower area of Zuma beach bathrooms and gave verbal warning. Transient cooperated and vacated the area.

• Arrested local transient for trespassing Malibu Country Mart.
Arrested transient located at PCH/Coastline for public intoxication/urinating in public.
ATTN: LASD/LHS Lieutenant Braden, City of Malibu RE: Malibu Crime Suppression Team
Dates: Week 03/07/2021- 03/13/2021

Community Contacts / Activity

- Conducted foot patrol of local transient encampment at westward beach. No one present at the location.

- Contacted gas station attendants at “Shell” gas station (PCH/Cross Creek) and advised them to contact us for ongoing transient related issues.

- Contacted multiple transients regarding welfare check due to weather/storm entering the city.

- Contacted security at Malibu RD Ralphs and assisted with ordering local transients to remove trash and to vacate the area. Informed security about getting a Letter of Agency of file to prevent further trespassing incidents.

- Contacted LACO Lifeguards regarding any ongoing transient issues at Zuma Beach.

Assists / Calls for Service:

- Assisted LHS units with injury DUI investigation PCH / Encinal Canyon.

- Assisted units with multiple transient related business disturbance calls.

- Assisted units for a vehicle VS bicycle traffic collision.

- Assisted units with a person with a knife at PCH/Coastline Drive.

- Assisted units with persons laying in the Highway. (PCH/Coastline).
Arrests / Citations:

- Arrested local transient for outstanding felony arson warrant related to a Malibu Brush fire.
- Arrested local transient for outstanding felony vandalism warrant.
- Arrested transient for an outstanding felony parole violation warrant.
- Arrested local transient for public intoxication behind Malibu Mart.
- Arrested local transient for possession of drug paraphernalia (methamphetamine pipe) behind Malibu Mart.
- Arrested local transient for outstanding possession of burglary tools warrant.
- Arrested local transient for an outstanding battery warrant.
- Issued parking citations at Point Dume Preserve.
- Conducted multiple traffic stops for various vehicle code violations and issued citations.
ATTN: LASD/LHS Lieutenant Braden, City of Malibu RE: Malibu Crime Suppression Team  
Dates: Week 3-03/14/2021- 03/20/2021

Community Contacts / Activity:

- Coordinated with local Malibu units regarding transient creating problems at Malibu Veterinarian Hospital. Disturbing person escorted off the premises and trespassed from the location. Discussed Letter of Agency option with business owner.

- Contacted maintenance worker at Ralphs shopping center (Malibu Road, property) regarding local transients sleeping at property east of Webb Way. Worker stated transients have not returned to location since we trespassed them on 03-13-21.

- Contacted via telephone by LACO lifeguard Captain of a local transient creating problems at Life Guard Headquarters. Transient co-op left the area without incident.

- Contacted beachgoers at Westward beach who had a camp fire on the sand. Fire extinguished and verbal warning given.


- Contacted local transient on active parole for robbery (no crime).

- Welfare check for local transient sleeping behind bus stop located at PCH/Malibu pier (no assistance needed. No crime).

Assists / Calls for Service:

- Assisted LHS units with reported sexual assault at corral beach.

- Assisted Malibu unit with vehicle pursuit for felony out of state residential burglary suspect.

- Assisted units with multiple transient related business disturbance calls located throughout Malibu/Un-incorporated area.

- Conducted multiple traffic stops for various vehicle code violations and issued citations.
Issued parking citations at Point Dume Preserve.

**Arrests / Citations:**

- Arrested felony suspect for false impersonation of another, identity theft, grand theft, possession of narcotics, possession of drug paraphernalia, and possession of burglary tools located at Corral Beach.

- Arrested suspect for multiple outstanding warrants (suspended license ECT.).

- Arrested suspect for outstanding warrants (driving without a license).

- Arrested suspect for an outstanding warrant (prohibited weapons violation).
PUBLIC SAFETY COMMISSION

AGENDA REPORT

To: Chair Frost and Members of the Public Safety Commission
Prepared by: Mary Linden, Executive Assistant
Approved by: Reva Feldman, City Manager
Date prepared: March 24, 2021  Meeting date: April 7, 2021
Subject: Public Safety Agency Activity

RECOMMENDED ACTION: Discuss recent Public Safety Agency activities and receive
and file activity reports from the County of Los Angeles Sheriff's Department, Fire
Department, and Lifeguard Division.

DISCUSSION: The City contracts with the County of Los Angeles for public safety
services, including Sheriff, Fire and Lifeguard services. Monthly reports summarizing
agency services for February 2021 are attached for review.

The Fire Department report was unavailable when the agenda was posted and will be
distributed under separate cover.

ATTACHMENTS:
1. County of Los Angeles Sheriff's Department Year to Date Crime Statistic
   Comparisons for the City of Malibu for the month of February 2021
2. County of Los Angeles Fire Department, Lifeguard Services Activity Report –
   February 2021
March 9, 2021

Reva Feldman, City Manager
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mrs. Feldman:

Listed below are the year-to-date crime statistic comparisons for the City of Malibu for the month of February 2021.

<table>
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<tr>
<th>CRIME</th>
<th>CURRENT MTH</th>
<th>YTD 2021</th>
<th>YTD 2020</th>
<th>CHANGE</th>
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<td>Homicide</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
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<td>0</td>
<td>2</td>
<td>-2</td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armed</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Strong-Arm</td>
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<td>0</td>
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<tr>
<td>Assault</td>
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<tr>
<td>Burglary</td>
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<td></td>
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<td></td>
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<td>Residential</td>
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<td>0</td>
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<td>Garage/Out-Building</td>
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<td>3</td>
<td>4</td>
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<td>23</td>
<td>11</td>
<td>12</td>
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<tr>
<td>Theft</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Grand ($950 +)</td>
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<td>8</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Petty</td>
<td>4</td>
<td>12</td>
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<td>7</td>
</tr>
<tr>
<td>Vehicle (unlocked)</td>
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<td>10</td>
<td>8</td>
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<tr>
<td>Grand Theft Vehicle</td>
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<td>13</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Arson</td>
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<td>0</td>
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<tr>
<td>Domestic Violence Felony</td>
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<tr>
<td>Total Part I Crimes</td>
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<td>+37</td>
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<tr>
<td>Percent Change</td>
<td></td>
<td></td>
<td></td>
<td>+88.1%</td>
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<tr>
<td>Domestic Violence Misdemeanor</td>
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<td>6</td>
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<td>0</td>
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</tbody>
</table>

Received by City Manager's Office
March 16, 2021, 4:00 PM

cc: Council; CM; PSM; PSC 4-7-2021 Agenda File
II. NOTEWORTHY INCIDENTS

A Malibu transient was arrested for burglary of a garage in the 21300 block of Pacific Coast Highway. The suspect entered the garage (no signs of force) and attempted to steal a motorcycle.

An assault and theft of a vehicle occurred in the 7000 block of Fernhill Drive. The subject, a male juvenile, made entry into the victim’s unlocked vehicle which was parked in the driveway; the victim had left the vehicle's keys inside. The victim heard the door to his vehicle (truck) shut and went outside to investigate. He saw the subject driving toward the closed driveway gate and ran out in front of him. The subject continued driving and hit the victim in the right leg, then continued driving until he hit the closed gate, causing it to break open as he sped away. The victim’s vehicle was later found abandoned in a driveway in the 6600 block of Wildlife Road.

A resident of Santa Monica was arrested for burglary in the 20100 block of Pacific Coast Highway. The suspect entered an unlocked storage closet at the location and stole property.

A Los Angeles resident was arrested for theft of a vehicle in the area of Malibu Canyon Road and Pacific Coast Highway. The vehicle was reported stolen from the jurisdiction of the Los Angeles Police Department’s Pacific Division.

A Malibu transient was arrested for possession of a stolen property in the 23300 block of Pacific Coast Highway. The suspect was in possession of a bicycle that had been stolen from the jurisdiction of the Los Angeles Police Department.

III. TRAFFIC
See attached.

IV. CRIME PREVENTION
See attached.

V. AGENDIZED CAR
See attached.

VI. JUVENILE INTERVENTION TEAM
See attached.
VII. ARREST STATISTICS

The numbers of arrests listed below are the most current available.

<table>
<thead>
<tr>
<th></th>
<th>YEAR TO DATE 2021</th>
<th>CURRENT MONTH FEBRUARY</th>
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</thead>
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<tr>
<td></td>
<td>ADULT</td>
<td>JUVENILE</td>
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<tr>
<td>Criminal Homicide</td>
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<td>0</td>
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<tr>
<td>Forcible Rape</td>
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<td>0</td>
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<tr>
<td>Robbery</td>
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<tr>
<td>Aggravated Assault</td>
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<tr>
<td>Burglary</td>
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<tr>
<td>Larceny Theft</td>
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<tr>
<td>Grand Theft Auto</td>
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<td>Arson</td>
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<td>0</td>
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<tr>
<td>Forger</td>
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<td>0</td>
</tr>
<tr>
<td>Fraud and NSF checks</td>
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<td>Sex Offenses, Felonies</td>
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<td>Sex Offenses, Misdemeanors</td>
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<tr>
<td>Non-Aggravated Assaults</td>
<td>6</td>
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<tr>
<td>Weapon Laws</td>
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<tr>
<td>Offenses Against Family</td>
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<tr>
<td>Narcotics</td>
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<td>Liquor Laws</td>
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<td>Drunk/Alcohol/Drugs</td>
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<td>Drunk Driving Vehicle/Boat</td>
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<td>Vehicle/Boating Laws</td>
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<td>Vandalism</td>
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<td>Warrants</td>
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<td>Receiving Stolen Property</td>
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<td>Federal Offenses W/O Money</td>
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<td><strong>ARREST TOTALS</strong></td>
<td><strong>156</strong></td>
<td><strong>1</strong></td>
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Sincerely,

ALEX VILLANUEVA, SHERIFF

Salvador Becerra, Captain
Malibu/Lost Hills Station
## Collision Summary

<table>
<thead>
<tr>
<th>Category</th>
<th>This Month</th>
<th>Month Year Prior</th>
<th>Total YTD</th>
<th>Total Prior YTD</th>
<th>Change +/−</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Collisions - Excluding Private Property</td>
<td>9</td>
<td>30</td>
<td>24</td>
<td>71</td>
<td>−47</td>
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<tr>
<td>Fatal Collisions</td>
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<tr>
<td>Injury Collisions</td>
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<td>8</td>
<td>11</td>
<td>20</td>
<td>−9</td>
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<td>Property Collisions</td>
<td>4</td>
<td>22</td>
<td>13</td>
<td>51</td>
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<tr>
<td>Private Property Collisions</td>
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<td>3</td>
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<tr>
<td>Total Pedestrian Collisions</td>
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<td>Pedestrians Injured</td>
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<td>12</td>
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## Citation Summary

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<th>Category</th>
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<th>Month Year Prior</th>
<th>Total YTD</th>
<th>Total Prior YTD</th>
<th>Change +/−</th>
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<td>3490</td>
<td>+999</td>
</tr>
<tr>
<td>Hazardous Violations</td>
<td>250</td>
<td>551</td>
<td>707</td>
<td>1018</td>
<td>−311</td>
</tr>
<tr>
<td>Non-Hazardous Violations</td>
<td>105</td>
<td>164</td>
<td>257</td>
<td>350</td>
<td>−93</td>
</tr>
<tr>
<td>Parking Violations</td>
<td>1620</td>
<td>882</td>
<td>3511</td>
<td>2109</td>
<td>+1402</td>
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<tr>
<td>DUI Arrests</td>
<td>9</td>
<td>6</td>
<td>14</td>
<td>13</td>
<td>+1</td>
</tr>
</tbody>
</table>

*Collision Summary and Citation Summary does not reflect all collisions and citations which were not entered into the database.
During the month of February the motorcycle officers wrote 300 citations. The citations break down into the following categories:

- Unsafe Speed: 157
- Other Hazard: 21
- Other Non-Hazard: 44
- Signs and Signals: 2
- Unknown: 74
- Fail to Yield: 1
- Seat Belt: 1

SWS:
Total No. of Collisions: 9  Injury: 5  Non-Injury: 4  Fatal: 0  Private Property: 1

Total No. of Citations: 355  Hazardous Cites: 250  Non-Hazardous Cites: 105

Collisions by Reporting Districts

<table>
<thead>
<tr>
<th>Reporting District</th>
<th>No.</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1011</td>
<td>1</td>
<td>at Broad Beach Rd and Cottontail Ln</td>
</tr>
<tr>
<td>1012</td>
<td>4</td>
<td>at Separate Locations</td>
</tr>
<tr>
<td>1013</td>
<td>1</td>
<td>at Pacific Coast Hwy and Westward Beach Rd</td>
</tr>
<tr>
<td>1015</td>
<td>2</td>
<td>at Separate Locations</td>
</tr>
<tr>
<td>1017</td>
<td>1</td>
<td>at Big Rock Dr and Pacific Coast Hwy</td>
</tr>
</tbody>
</table>

Collision Occurred Most Frequently On:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Number of Collisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific Coast Hwy</td>
<td>6</td>
</tr>
<tr>
<td>Cottontail Ln</td>
<td>1</td>
</tr>
<tr>
<td>Kanan Dume Rd</td>
<td>1</td>
</tr>
</tbody>
</table>

Primary Collision Factors:

<table>
<thead>
<tr>
<th>Violations</th>
<th>Description</th>
<th>Number of Collisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>23152(a)</td>
<td>Dui; Alcohol</td>
<td>2</td>
</tr>
<tr>
<td>21801(a)</td>
<td>Left Turns Or U-Turns Yield To Other Vehicles</td>
<td>2</td>
</tr>
<tr>
<td>22107</td>
<td>Unsafe Turning Movement</td>
<td>1</td>
</tr>
<tr>
<td>22106</td>
<td>Unsafe Start Or Backing</td>
<td>1</td>
</tr>
<tr>
<td>22100(a)</td>
<td>Right Turn At Intersection, Improper Position</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
## Violations Most Frequently Cited:

<table>
<thead>
<tr>
<th>Violations</th>
<th>Description</th>
<th>Number of Citations</th>
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</thead>
<tbody>
<tr>
<td>22350</td>
<td>Unsafe Speed</td>
<td>151</td>
</tr>
<tr>
<td>22349(a)</td>
<td>Speeding, Excess Of 65 Mph</td>
<td>39</td>
</tr>
<tr>
<td>12500(a)</td>
<td>Unlicensed Driver</td>
<td>30</td>
</tr>
<tr>
<td>38300</td>
<td>Off-Highway Vehicle, Disobey Signs</td>
<td>18</td>
</tr>
<tr>
<td>4000(a)(1)</td>
<td>Vehicle Registration Required</td>
<td>15</td>
</tr>
<tr>
<td>22349A</td>
<td></td>
<td>14</td>
</tr>
<tr>
<td>14601.1(a)</td>
<td>Driving With Suspended License</td>
<td>11</td>
</tr>
<tr>
<td>5204A</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>16028(a)</td>
<td>Proof Of Financial Liability-Traffic Accident</td>
<td>10</td>
</tr>
<tr>
<td>21800D</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>5200(a)</td>
<td>License Plates, Two On A Vehicle Front/Rear</td>
<td>10</td>
</tr>
<tr>
<td>23152(a)</td>
<td>Dui; Alcohol</td>
<td>9</td>
</tr>
<tr>
<td>5204(a)</td>
<td>Current Month And Year Tabs Attached</td>
<td>7</td>
</tr>
<tr>
<td>22450A</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>23123(a)</td>
<td>Using Wireless Hand Held Phone While Driving</td>
<td>6</td>
</tr>
<tr>
<td>24603(b)</td>
<td>Stoplamps 2 Required (Mfr Post 1957)</td>
<td>6</td>
</tr>
<tr>
<td>26708(a)(</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>23123.5(a)</td>
<td>Texting While Driving</td>
<td>5</td>
</tr>
<tr>
<td>23152(b)</td>
<td>Dui, .08 Bac Or Greater</td>
<td>5</td>
</tr>
<tr>
<td>12951(a)</td>
<td>Drivers License, Not In Possession</td>
<td>4</td>
</tr>
<tr>
<td>21800D1</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>22349(b)</td>
<td>Exceeding 55 Mph Speed Limit</td>
<td>4</td>
</tr>
<tr>
<td>24252(a)</td>
<td>Maintain Required Lighting</td>
<td>4</td>
</tr>
<tr>
<td>22101D</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>5200A</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>16028A</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>21453A</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>21461(a)</td>
<td>Obey Traffic Control Sign</td>
<td>2</td>
</tr>
<tr>
<td>22107</td>
<td>Unsafe Turning Movement</td>
<td>2</td>
</tr>
<tr>
<td>22450(a)</td>
<td>Failure To Stop For Posted Stop Sign</td>
<td>2</td>
</tr>
<tr>
<td>23123.5A</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>24601</td>
<td>License Plate Lamp White Only, Vis 50'</td>
<td>2</td>
</tr>
<tr>
<td>4461(c)</td>
<td>Disabled Person Placard, Cancelled Or Revoked</td>
<td>2</td>
</tr>
<tr>
<td>5201(d)</td>
<td>Obstructed License Plate</td>
<td>2</td>
</tr>
<tr>
<td>11364(a)</td>
<td>Unlawful To Poss Drug Paraphernalia</td>
<td>1</td>
</tr>
<tr>
<td>12500A</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>12951A N</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>14600(a)</td>
<td>Change Of Address Notification To Dmv Required</td>
<td>1</td>
</tr>
<tr>
<td>16020(a)</td>
<td>Proof Of Insurance In Vehicle At All Times</td>
<td>1</td>
</tr>
<tr>
<td>20002(a)</td>
<td>Hit-Run Property Damage</td>
<td>1</td>
</tr>
<tr>
<td>21453(a)</td>
<td>Red Signal; Failure To Stop</td>
<td>1</td>
</tr>
</tbody>
</table>

2
21453(c) Red Arrow; Failure To Obey 1
21651(a) 1
21804(a) Failure To Yield Exiting Private Property Or Alley 1
21950(a) Yield To Pedestrian In Crosswalk 1
22100B 1
22101(d) Req'd Or Prohibited Turn; Fail To Obey Sign 1
22106 Unsafe Start Or Backing 1
22507.8(a) Parked In Disabled Parking 1
23152(g) Dui-Combined Alcohol And Drugs 1
24250 No Headlight During Dark 1
24600(a) Taillamps - At Least 1 Required 1
27151(a) Exhaust System Modified 1
27315(d)( 1
27315.1 1
27315D1 1
40001A 1
4000A1 1
4454(a) Registration Card Kept With Vehicle 1
4461(a) Evidences Of Registration, Improper Use 1
5201(b) License Plate Cover, Prohibited 1
660.5 Failure To Appear 1

Collisions Involving Pedestrians: 0

Most Frequent Violations

Collisions Involving Bicyclists: 1

Most Frequent Violations
## L.A. County Sheriff's Department
### Lost Hills & Malibu Station

**From 2/1/2021 to 2/28/2021**

<table>
<thead>
<tr>
<th>Incident Number</th>
<th>Date</th>
<th>Time</th>
<th>Party 1 Details</th>
<th>Party 2 Details</th>
<th>Vehicle Details</th>
<th>Sobriety</th>
<th>Assoc Factor</th>
<th>Direction</th>
<th>Property Damage</th>
<th>Injuries</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>921-00658-1013-471</td>
<td>2/5/2021</td>
<td>18:15 Friday</td>
<td>PACIFIC COAST HWY - WESTWARD BEACH RD</td>
<td>Broadside</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>Female</td>
<td>Auto R/W Violation</td>
<td>Direction: Not Stated</td>
<td>Dark - Street Ligh Clear</td>
<td>Pty at Fault: 2</td>
<td># Inj: 3</td>
</tr>
<tr>
<td>921-00704-1017-242</td>
<td>2/7/2021</td>
<td>20:20 Sunday</td>
<td>PACIFIC COAST HWY - BIG ROCK DR</td>
<td>Sideswipe</td>
<td>Unknown</td>
<td>Male</td>
<td>Driving Under Influence</td>
<td>3'</td>
<td>No Injury</td>
<td>Pty at Fault: 1</td>
<td># Inj: 1</td>
</tr>
<tr>
<td>921-00754-1011-472</td>
<td>2/9/2021</td>
<td>13:40 Tuesday</td>
<td>COTTONTAIL LN - BROAD BEACH RD</td>
<td>Sideswipe</td>
<td>Passengers Car, Station Wagon, Jeep</td>
<td>Male</td>
<td>Lap/Shoulder Harness Used</td>
<td>Hit &amp; Run: No</td>
<td>Property Damage Only</td>
<td># Inj: 0</td>
<td># Killed: 0</td>
</tr>
<tr>
<td>921-00766-1012-472</td>
<td>2/10/2021</td>
<td>19:30 Wednesday</td>
<td>PACIFIC COAST HWY - KANAN DUME RD</td>
<td>Rear-End</td>
<td>Unknown</td>
<td>Male</td>
<td>Driving Under Influence</td>
<td>30'</td>
<td>No Injury</td>
<td>Pty at Fault: 1</td>
<td># Inj: 1</td>
</tr>
<tr>
<td>921-00777-1012-471</td>
<td>2/11/2021</td>
<td>12:55 Thursday</td>
<td>PACIFIC COAST HWY - BUSCH DR</td>
<td>Rear-End</td>
<td>Unknown</td>
<td>Male</td>
<td>Improper Turning</td>
<td>60'</td>
<td>No Injury</td>
<td>Pty at Fault: 1</td>
<td># Inj: 1</td>
</tr>
<tr>
<td>Party 2</td>
<td>Parked Vehicle</td>
<td>South</td>
<td>Proceeding Straight</td>
<td>Age:</td>
<td>2011 FORD MUSTANG</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
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<td>-----------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td>921-00905-1012-</td>
<td>2/17/2021</td>
<td>19:50</td>
<td>Wednesday</td>
<td>PACIFIC COAST HWY - HEATHERCLIFF RD</td>
<td>Cell Phone Not In Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>242</td>
<td>Broadsire</td>
<td></td>
<td></td>
<td></td>
<td>0' Direction: Not Stated</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dark - Street Light Clear</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ptx at Fault:1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 1</td>
<td>Driver</td>
<td>South</td>
<td>Other Unsafe Turning</td>
<td>Female</td>
<td>Age: 25</td>
<td>2016 BMW 320I</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sobriety: HBD Under Influenc</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 2</td>
<td>Driver</td>
<td>North</td>
<td>Stopped In Road</td>
<td>Male</td>
<td>Age: 30</td>
<td>2013 KIA OPTIMA</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td>921-00940-1012-</td>
<td>2/19/2021</td>
<td>15:14</td>
<td>Friday</td>
<td>KANAN DUME RD - TEAL TER</td>
<td>Cell Phone Not In Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>471</td>
<td>Broadside</td>
<td></td>
<td></td>
<td></td>
<td>Assoc Factor: Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Lap/Shoulder Harness Used</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 1</td>
<td>Driver</td>
<td>South</td>
<td>Making Left Turn</td>
<td>Female</td>
<td>Age: 26</td>
<td>2017 VOLKSWAGEN JET</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sobriety: HNBD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 2</td>
<td>Driver</td>
<td>North</td>
<td>Proceeding Straight</td>
<td>Male</td>
<td>Age: 40</td>
<td>2016 FORD EDGE</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td>921-00960-1015-</td>
<td>2/20/2021</td>
<td>09:24</td>
<td>Saturday</td>
<td>PACIFIC COAST HWY - MALIBU CANYON RD</td>
<td>Cell Phone Not In Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>471</td>
<td>Rear-End</td>
<td></td>
<td></td>
<td></td>
<td>Assoc Factor: None Apparent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 1</td>
<td>Driver</td>
<td>West</td>
<td>Making Right Turn</td>
<td>Male</td>
<td>Age: 70</td>
<td>2020 NISSAN VERSA</td>
<td>Passenger Car, Station Wagon, Jeep</td>
<td>No Injury</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Veh Type: Passenger Car</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sobriety: HNBD</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Party 2</td>
<td>Bicyclist</td>
<td>West</td>
<td>Proceeding Straight</td>
<td>Male</td>
<td>Age: 44</td>
<td></td>
<td>Cell Phone Not In Use</td>
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</tr>
<tr>
<td></td>
<td>Veh Type: Bicycle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sobriety: HNBD</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Settings for Query:

City: MALIBU
Sorted By: Date and Time
## Monthly Traffic Collision Report

**3/12/2021  City of MALIBU**

*Date Range Reported: 2/1/2021 to 2/28/2021*

<table>
<thead>
<tr>
<th>Collisions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Non-Injury Collisions</td>
<td>4</td>
</tr>
<tr>
<td>Total Injury and Fatal Collisions</td>
<td>5</td>
</tr>
<tr>
<td>Total Collisions (Injury + Non-Injury)</td>
<td>9</td>
</tr>
</tbody>
</table>

**DUI Collisions**

- Number of DUI Collisions with Fatalities: 0
- Number of DUI Collisions with Injuries: 1
- Number of DUI Collisions Involving Property Damage: 1
- Total Number of DUI Collision Deaths: 0
- Total Number of DUI Collision Injuries: 1
- Total Number of DUI Collisions: 2
- Total Actual Number of DUI Arrests: 9

**Non-DUI Collisions**

- Number of Non-DUI Collisions with Fatalities: 0
- Number of Non-DUI Collisions with Injuries: 4
- Number of Non-DUI Collisions Involving Property Damage: 3
- Total Number of Non-DUI Collision Deaths: 0
- Total Number of Non-DUI Collision Injuries: 13

**Vehicle/Pedestrian Collisions**

- Number of Vehicle/Pedestrian Collisions with Fatalities: 0
- Number of Vehicle/Pedestrian Collisions with Injuries: 0
- Total Number of Pedestrian Fatalities: 0
- Total Number of Pedestrian Injuries: 0

**Vehicle/Bicycle Collisions**

- Number of Vehicle/Bicycle Collisions with Fatalities: 0
- Number of Vehicle/Bicycle Collisions with Injuries: 1
- Total Number of Vehicle/Bicycle Collision Fatalities: 0
- Total Number of Vehicle/Bicycle Collision Injuries: 1
Hit & Run Collisions
Total Number of Hit & Run Fatalities 0
Total Number of Hit & Run Injuries 0
Total Number of PDO Hit & Run Collisions 0

Traffic Citations
Total Number of Radar Citations Issued 26
Total Number of Bicycle Citations Issued 0
Total Number of Pedestrian Citations Issued 0
Total Number of Safety Belt Citations Issued 2
Total Number of Child Restraint Citations Issued 0
Total Number of Financial Responsibility Citations Issued 12
Total Number of Hazardous Citations Issued 300
Total Number of Non-Hazardous Citations Issued 82
Total Number of Citations Issued 382

Parking Citations
Total Number of Parking Citations Issued 1

Miscellaneous
Child in Passenger Seat or Belts, Number of Fatalities
Child in Passenger Seat or Belts, Number of Injuries
Child Not in Passenger Seat or Belts, Number of Fatalities
Child Not in Passenger Seat or Belts, Number of Injuries
Number of Code 3 or Pursuit Collision Fatalities
Number of Code 3 or Pursuit Collision Injuries
Number of Patrol Vehicle Rear-End Collisions with Amber On

Enforcement Index
Enforcement Index 60.0
SCHOOL ISSUES

SCHOOL CLOSED RE COVID-19. CLASSES HELD ONLINE.
Assisted District re: SARB hearing, ZOOM quarterly meeting.
House checks re: online attendance issues.
    Assisted Malibu re: trespassing info
    Assisted Malibu re: school safety plans
Assisted Point Dume Elementary re: restraining order issues

INTERVENTIONS

Assisted Parent re: intervention
Assisted concerned parent re: defiance issues

COMMUNITY / CRIMINAL ISSUES

1. We conducted a monthly parental resource class at Lost Hills Sheriff’s Station. This program was developed by our unit and is designed to educate parents about: 1) The current trends in juvenile behavior and delinquency, 2) Alcohol/narcotic awareness and recognition, 3) School policy and campus issues, 4) Gang awareness and negative peer relations, 5) Parental rights and responsibilities and, 6) Parental responses to incorrigible and/or delinquent behavior. We also address the specific concerns relating to the minor’s behavior. We educate the minor and their parents of possible criminal behavior and the legal consequences. We offer suggestions and make recommendations to improve the minor’s quality of life.

2. Spoke with numerous citizens and parents who called to question various juvenile concerns and issues in the community. We also provide the parents with various juvenile resource programs within our community.

3. We met with the Sylmar Juvenile Court District Attorney regarding the investigation and filing of criminal charges against juvenile offenders.

4. Met with Captain Salvador Becerra throughout the month in order to keep him up to date regarding our unit’s investigations and current juvenile issues within our city.

5. Entered juveniles into the Juvenile Automated Index system for various violations.

6. Made court appearances to testify as witnesses on the part of the People of the State of California and attended court proceedings in cases generated from the City of Malibu. We also investigated, prepared, and filed cases with the District Attorney’s office. We additionally assisted other investigators in the preparation of cases for court.

7. We met with station narcotic detectives on a regular basis to exchange information regarding juvenile and drug related issues. We have worked with the narcotic detectives on several narcotic cases directly and indirectly involving juveniles.
8. Handled the processing and follow-up of various juvenile referrals brought to the attention of this unit (i.e., Juvenile Information Forms, Field Interview Cards, Juvenile Automated Index, and citations for various juvenile contacts with uniform personnel).

9. Conducted our normal checks of juvenile problem areas in the city during weekend evenings and responded to juvenile related calls for service.

10. Updated the Gang Book and briefed the captain on criminal activity trends.

11. Registered 4 sexual predators and updated information in database.

12. eSCARS system updated.

13. Month End Reports completed.

14. Assisted Records Sealing Unit with several cases.

15. Uniform store re: station needs, tactical vests.


17. Assisted DB re: search warrant, Sting operation

18. Assisted station units re: 290 pre inspection audits, trainee audits


20. Conducted multiple yearly 290 house checks


22. Assisted Station re: shooting qualifications.


24. Tobacco task force zoom training.

25. Assist Malibu re: car show enforcement.

Attached is the Feb 2021 lifeguard activity report....... Stay healthy and safe.

33-1 Malibu Surfrider
33-2 Point Dume
34-1 Zuma East-End
34-2 Zuma West-End

Attd - Attendance
Prevs - Preventative Actions
Ords - Ordinance Education and Enforcement
EVR - Emergency Vehicle Responses
Meds - Medical calls
Rescues - Ocean Rescues
Agency Assists - Calls with other Agencies
Boat Warnings - Preventing boaters from coming within 300 yards of shore
Missing Persons - Looking for or Holding missing persons
O2 Therapy - Calls where O2 was administered
AED Applied - Calls where the AED was used

Virginia Rupe
Captain Ocean Lifeguard
Northern Battalion

310-457-2525
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