

Nuisance Abatement Ordinance



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Current Procedures



- Nuisance abatement procedures empower the City to address illegal property uses by enforcing against the property on which the illegal use occurs.
- Lake Forest Municipal Code Section 1.01.250 sets forth the City's nuisance abatement procedures for giving notice to property owners, providing administrative or summary abatement, and hearings and appeals.
- The Municipal Code requires automatic hearings as part of the nuisance abatement process, even where they are not requested by the property owner/tenant. This raises unnecessary procedural hurdles and delays prompt and effective code enforcement.
- The City's nuisance abatement and cost recovery provisions have not been updated since 2007. Modernized procedures would help the City address nuisances as they arise.



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Current Challenges



- The code enforcement division deals with illegal businesses. Typically, a tenant will apply to a local property owner under false pretenses (i.e. claiming to operate a nail salon), when in reality their objective is to operate an illegal business.
- Once the City becomes aware of the offending location, the multi-step code enforcement process begins, which involves time-consuming notice and hearing provisions. The City cannot unilaterally board up the offending site, even though its use is clearly unlawful.
- Violators rely on these procedural delays to operate and make a profit, before abandoning the site.



Changes Proposed by Current Ordinance

Current Code:

- Automatic hearing is required before determination can be made that a public nuisance exists. (LFMC § 6.14.004.)
- “Any person” can appeal a decision of a City Official. (LFMC § 1.12.010.)
- Requires a notice of lien on the property to conform to a highly specific format, which is not otherwise required by law. (LFMC § 6.14.012(B).)

As Amended by Ordinance

- City may unilaterally declare the nuisance exists via a notice to abate. (LFMC § 6.14.005.)
- Simplifies how service of notice to abate is made. (LFMC § 6.14.004.)
- Only an “aggrieved party” may appeal a notice to abate. (LFMC § 6.14.007.)
- Adds attorney fee language to ensure compliance with applicable case law. (LFMC § 1.01.250(F).)
- Adds provisions authorizing *emergency* abatement without a warrant, with post-abatement due process thereafter. (LFMC § 6.14.011.)
- Clarifies the contents of a notice of abatement to ensure legal sufficiency if challenged. (LFMC § 6.14.012(B).)
- Limits further appeal solely to the question of the amount of abatement costs. (LFMC § 6.14.012(C).)
- Removes notice of lien format requirement for flexibility. (LFMC § 6.14.013.)



Practical Ramifications

What this Means in Practice:

- (1) The City will be better equipped to enforce against flagrant violators in an agile and effective manner.
- (2) Bad faith actors will be required to request an appeal from the City's notice to abate, rather than automatically receive one by right.

