



CITY COUNCIL AGENDA REPORT

MEETING DATE: 11/15/2022

DEPARTMENT: City Attorney's Office

SUBJECT:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING ARTICLE 1 (PUBLIC NUISANCE) OF CHAPTER 6.14 (NUISANCES, GENERAL) OF TITLE 6 (HEALTH AND SANITATION) AND SECTION 1.01.250 OF THE LAKE FOREST MUNICIPAL CODE TO PROVIDE FOR SUMMARY NUISANCE ABATEMENT PROCEDURES, RECOVERY OF EXPENSES; AND MODIFYING THE PROCESS FOR NOTICE, HEARING, AND APPEALS REGARDING INVOLUNTARY ABATEMENT OF A NUISANCE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECOMMENDED ACTION(S):

Introduce for first reading an Ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING ARTICLE 1 (PUBLIC NUISANCE) OF CHAPTER 6.14 (NUISANCES, GENERAL) OF TITLE 6 (HEALTH AND SANITATION) AND SECTION 1.01.250 OF THE LAKE FOREST MUNICIPAL CODE TO PROVIDE FOR SUMMARY NUISANCE ABATEMENT PROCEDURES, RECOVERY OF EXPENSES; AND MODIFYING THE PROCESS FOR NOTICE, HEARING, AND APPEALS REGARDING INVOLUNTARY ABATEMENT OF A NUISANCE; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

EXECUTIVE SUMMARY:

This Ordinance amends Article 1 (Public Nuisance) of Chapter 6.14 and Section 1.01.250 (Nuisances – Recovery of abatement expenses) of the Lake Forest Municipal Code as they relate to the procedures for providing notice to property owners regarding abatement processes, for administrative abatement, for summary abatement, for hearings and appeals, and for recovery of costs. Adopting the Ordinance will modernize the Municipal Code's provisions related to summary abatement procedures and remove the current unnecessary requirement that all nuisance abatement processes receive an automatic hearing.

BACKGROUND:

Article 1 of Chapter 6.14 of Title 6 and Section 1.01.250 of the Lake Forest Municipal Code contain certain procedures for nuisance abatement and recovery of associated costs by the City. These nuisance abatement and cost recovery provisions have not been updated by the City since 2007. The City's Municipal Code currently requires automatic hearings as part of the nuisance abatement process, raising unnecessary obstacles to prompt and effective code enforcement. Additionally, the City's Municipal Code lacks a modernized summary abatement process to deal quickly with nuisances as they arise. Significant enforcement costs, including but not limited to attorneys' fees, are accrued as part of the City's existing nuisance abatement efforts.

DISCUSSION:

This Ordinance amends Article 1 (Public Nuisance) of Chapter 6.14 and Section 1.01.250 (Nuisances – Recovery of abatement expenses) of the Lake Forest Municipal Code as they relate to the procedures for providing notice to property owners regarding abatement processes, for administrative abatement, for summary abatement, for hearings and appeals, and for recovery of costs. A redline version of the municipal code updates is attached as Exhibit A of the Ordinance (Attachment 1 – Exhibit A).

The purpose of this Ordinance is to enhance the clarity, simplicity, and user-friendliness of Article 1 of Chapter 6.14 and Section 1.01.250 to make the City's code enforcement efforts more efficient and effective. Additionally, this Ordinance is intended to modernize the Municipal Code's nuisance abatement procedures, including provisions for the recovery of associated costs and expenses. The adoption and implementation of the procedures and standards set forth in the Ordinance for the identification and abatement of public nuisances, whether or not posing an immediate threat to public health and safety, is within the City's power and authority to protect the public health, safety, and welfare of the City's residents.

Additionally, Government Code sections 38773.1 and 38773.5 provide that a city may, by ordinance, provide for the recovery of nuisance abatement costs, including attorneys' fees, in any action, administrative proceeding, or special proceeding to abate a nuisance. Public nuisances, as designated by the Lake Forest Municipal Code, occur regularly and require the City to take abatement action at significant cost and expense. The attorneys' fees incurred by the City to abate public nuisances can be substantial and should be borne by the violator.

FISCAL IMPACT:

The adoption of the Ordinance will result in increased enforcement savings to the City resulting from expedited nuisance abatement proceedings and the effective allocation of associated costs to the parties responsible for such nuisance violations.

ATTACHMENTS:

Attachment 1 – Draft Ordinance and Exhibit "A" Redline of Lake Forest Municipal Code Updates.

Initiated By: Matthew Richardson, City Attorney
Submitted By: Gayle Ackerman, AICP, Director of Community Development
Approved By: Debra Rose, City Manager