



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: September 23, 2014

From: Jim Andersen Item No: 6
Code Enforcement Manager
Code Enforcement Department

Subject: ADOPT ORDINANCE NO. 464 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING MUNICIPAL CODE SECTION 6.30.030(F)(1) REGARDING UNLAWFUL NUISANCES AND THE BOARDING UP OF PROPERTY

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 464

SUMMARY:

At the August 26, 2014, Apple Valley Town Council meeting, the Town Council reviewed and introduced Ordinance No. 464 an ordinance of the Town Council amending Apple Valley Municipal Code section 6.30.030 (F)(1) regarding unlawful nuisances and the boarding up of property.

FISCAL IMPACT:

None

ATTACHMENT:

Ordinance No. 464

ORDINANCE NO. 464

ORDINANCE OF THE TOWN COUNCIL AMENDING APPLE VALLEY MUNICIPAL CODE SECTION 6.30.030(F)(1) REGARDING UNLAWFUL NUISANCES AND THE BOARDING UP OF PROPERTY

WHEREAS, the Town of Apple Valley’s Municipal Code currently makes it a nuisance for any building to be abandoned, boarded up, partially destroyed or left in a state of partial construction for a period of more than thirty days; and

WHEREAS, at present, an exception to this requirement applies only where “special circumstances are present”; and

WHEREAS, this exception provides insufficient guidance as to what situations justify an exception and offers too little protection for the Town and its residents from the dangers of buildings that are abandoned, boarded up, partially destroyed or left in a state of partial construction; and

WHEREAS, the Town Council desires to require persons owning, leasing, occupying, or having charge of a building that is abandoned, boarded up, partially destroyed, or left in a state of partial construction to enter into an agreement with the Town before the property may be left in such state for more than thirty days; and

WHEREAS, the ability to enter into such agreements will enable Town staff to better protect both the Town and its residents from the dangers associated with abandoned, boarded up, and partially destroyed or constructed buildings.

NOW, THEREFORE, the Town Council of the Town of Apple Valley hereby ordains as follows:

SECTION 1. Section 6.30.030(F)(1) of the Apple Valley Municipal Code is hereby amended to read as follows:

“6.30.030 Unlawful Nuisances

. . .

F. Maintenance of Property. It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this Town to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon;

1. Buildings, which are abandoned, boarded up, partially destroyed or left in a state of partial construction for a period of more than thirty days.
 - a. A building may be abandoned, boarded up, partially destroyed or left in a state of partial construction for a longer period if the person owning, leasing, occupying or having charge of the property has entered an agreement permitting the same with the Town. The Town may enter into such an agreement only where special circumstances are present, which shall be determined at the discretion of the Town Manager or his or her designee. Without limiting the foregoing, the planned demolition or rehabilitation of a structure may constitute special circumstances. Whether to enter such an agreement and the terms thereof shall be at the sole discretion of the Town Manager or his or her designee.

....”

SECTION 2. The Town Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

APPROVED and ADOPTED at a regular meeting of the Town Council on the 23rd day of September, 2014, by the following vote:

ATTEST:

Art Bishop, Mayor

La Vonda M-Pearson, CMC, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John E. Brown, Town Attorney

Frank Robinson, Town Manager