

Police Department
2600 Fifth Street - Davis, California 95616-7718
Business: (530) 747-5400 - Fax: (530) 757-7102 - TDD: (530) 757-5666
Administration: (530) 747-5405 - Investigations: (530) 747-5430



Notice of Violation

08/24/15

TENANT(S)
606 HUDSON ST
DAVIS, CA 95616

Action Date: 8/31/15
Property Owner: BURGDORF

Case Location
606 HUDSON, DAVIS CA

Dear Property Owner or Tenant,

The Davis Police Department received a report regarding conditions on your property, or in the public right-of-way adjacent to your property, that may constitute a public nuisance as defined by Chapter 23 of the Davis Municipal Code.

More specifically,

I received a complaint regarding NUMEROUS bicycles, toys, and miscellaneous metal objects in your front yard in the view of the public right of way.

CORRECTIVE ACTIONS:

- COMPLETELY REMOVE ALL BICYCLES TOYS AND MISCELLANEOUS METAL OBJECTS FROM THE VIEW OF THE PUBLIC RIGHT OF WAY.

MUNICIPAL CODE:

23.01.030 Nuisances.

(a) Activities prohibited by California Penal Code, Part 1, Title 10 and Sections 370, 371 and 11225 et seq., as enacted or hereinafter amended, shall be unlawful, constitute a public nuisance, and enforcement and abatement shall be undertaken as provided by law.

(b) It is hereby declared unlawful and a public nuisance per se for any person owning, leasing, occupying and/or having charge or possession of any premises or land in this city to permit, allow, or maintain such premises or land such that any one or more of the following conditions or activities exist:

- (1) Any condition recognized in law or equity as constituting a public nuisance;

(F) Vehicles parked on any surface other than an "improved surface" or "driveway," as those terms are defined in Chapter 40 of this Code;

(10) The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that such of the listed materials as are being used or to be used for a project of repair or renovation may be stored for such period of time as is reasonably necessary to expeditiously complete the project;

(11) Any condition of a building or structure deemed to be unsafe or that in the discretion of the code compliance administrator or the department head, would constitute a threat to public safety, health, or welfare, or poses a security problem by reason of dilapidation, fire hazard, disaster, damage or other similar occurrence specified in this Code or any other applicable law;


(12) Any condition of a building or portion thereof which constitutes a substandard building, as defined in Health and Safety Code Section 17920.3 or its successor;

(13) Filling of any swimming pool with water prior to the final safety inspection required by the California Code of Regulations, conducted by city inspectors and before such final inspection has been noted on the permit card obtained from the city;

(14) The emission into the open air of visible smoke from any residential indoor non-wood pellet-burning appliance or any non-EPA-Phase II certified wood burning appliance or fireplace used for home-heating purposes in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of any reasonable person or to cause unreasonable injury or damage to property or which could cause annoyance or discomfort in the area of the emission. (Ord. 2219, 2005; Ord. 2424, § 2, 2013)

For further information you may contact Amy Juarez, or any other Code Enforcement Specialist, at the Davis Police Department. We are available to answer any questions, provide recommendations for correcting any type of nuisance, and we may also be able to assist you with mediating any dispute with complaining neighbors. We can be reached by calling the Davis Police Department at (530) 747-5446 or by email at ajuarez@davispd.org.

Please Take Notice – This Notice of Violation constitutes a written warning and an order prohibiting the continuation or repeated occurrence of the nuisance. A failure to remedy this reported nuisance BY 8/31/15 will result in administrative citations being issued to any person owning, leasing, occupying and/or having charge or possession the premises or land where the nuisance is occurring.

 Further future remedies for continuing to maintain a nuisance include;

(1) Summary or administrative abatement of the nuisance by the city, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the city pursuant to the summary or administrative abatement procedures contained in the Davis Municipal Code or any other provisions of law;

- (2) Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;
- (3) Any condition that is in violation of any duly enacted ordinance of the Davis Municipal Code, or resolution or lawful order promulgated by authorized city officials;
- (4) Any condition in violation of Chapter 40, Zoning, of this Code, including any condition in violation of any written design finding, including design standard, design guideline, or development standard that may be adopted by resolution or ordinance from time to time by the city council or the planning commission, or any condition imposed on any entitlement, permit, contract, or environmental document issued or approved by the city;
- (5) Anything defined as a nuisance pursuant to state and federal law, including, but not limited to, California Civil Code Section 3479 et seq.;
- (6) Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39501 et seq., and 39560 et seq., as enacted or hereafter amended and enforced by city ordinance and resolutions;
- (7) Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public;
- (8) Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, including pools or ponds that have not been properly barricaded;
- (9) Any condition that constitutes a visual blight. For purposes of this Code, visual blight is any unreasonable, nonpermitted or unlawful condition or use of real property, premises or of building exteriors which by reason of its appearance as viewed from the public right-of-way, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation on the premises any of the following:
 - (A) Lumber, junk, trash, debris, scrap metal, rubbish, packing materials, building materials,
 - (B) Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment,
 - (C) Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned and are in an active state of renovation or restoration. For purposes of this article, "active state of renovation or restoration" means that the vehicle is actively being restored or renovated in a manner intended to make the vehicle operational, and shall not include restoration or renovation that solely improves the interior or exterior appearance, but not the operation, of the vehicle. A vehicle shall only be permitted to be in an active state of renovation or restoration for a period that shall not exceed ninety days, whether consecutive or non-consecutive, out of any twelve-month period,
 - (D) Stagnant water or excavations,
 - (E) Any personal property, object, device, decoration, design, fence, structure, clothesline, landscaping or vegetation which is unsightly by reason of its condition or its inappropriate location,

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars, or by imprisonment of no longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the city. The city attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the city;

The amounts of the fines for violations of the Davis Municipal Code are:

- (1) A fine not exceeding one hundred dollars for a first violation;
- (2) A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;
- (3) A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

Should you desire to explain why you believe: (A) the premises should not be declared to be a public nuisance and abated, (B) penalties should not be assessed, and (C) the costs of such abatement should not become a charge and lien against the premises, you must contact Amy Juarez at (530) 747-5446.

Finally, I apologize for the formality of this letter; however, because this is matter of great public concern, we would be remiss for not fully advising you of the importance of correcting any nuisance maintained on your property. Again, absent a further verified violation of the ordinance, no action, beyond providing this written warning, will be taken by the City. Thank you for your attention in resolving this matter.

Sincerely,



Amy Juarez
Police Service Specialist
Code Enforcement Officer
Davis Police Department
530-747-5446