

## **Subchapter Three: Drug and Gang Nuisance Abatement**

### **2.03.010 Definitions.**

(a) *Drug or Drugs.* As used herein Drug or Drugs shall mean one or more controlled substances, including precursors and analogs defined in California Health & Safety Code Section 11007.

(b) *Gang.* As used herein Gang shall mean any ongoing organization, association or group of three (3) or more persons, whether formal or informal, which has a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of illegal conduct.

(c) *Illegal Conduct.* As used herein Illegal Conduct shall mean a misdemeanor or felony as defined by state or federal law.

[*History:* formerly § 2.701; ORD. 638, 12/14/05]

### **2.03.020 Public Nuisances to be Abated.**

(a) Any building or place used for the purpose of illegal conduct by a gang or gangs or gang members, or wherein or upon which illegal conduct takes place, or as defined in California Health & Safety Code Section 11570 may be commenced as set out herein.

[*History:* formerly § 2.702; ORD. 638, 12/14/05]

### **2.03.030 Identification of Nuisance.**

(a) The Police Department may identify a building or place which is a nuisance as defined in this chapter by documenting a pattern of continuing and repeated drug or illegal conduct in or at such building or place.

[*History:* formerly § 2.703; ORD. 638, 12/14/05]

### **2.03.040 Notification of Nuisance.**

(a) Where it has been determined that a nuisance exists as defined herein, notice of the existence of such nuisance and request for immediate abatement thereof shall be given to the owner, occupant, manager, or agent for the property or any other person interested in the property or who has requested such notice.

(b) The first notice shall be by letter, which shall state the location of the nuisance, the type of illegal conduct or drug activity, and the requested manner of abatement. The letter shall give thirty (30) calendar days in which to commence voluntary abatement of the nuisance in the manner requested. Abatement may include but is not limited to eviction of tenant(s) creating the nuisance or closure of the building or place.

(c) Within that thirty (30) day period, the owner of any property so identified may request in writing that the Police Department proceed with abatement against the property as set out in this chapter and under state law. As a condition to abatement, the Police Department and the

City may enter into an agreement with the owner or agent to assist in such proceedings or to bring the building or place into compliance with applicable state, federal and local building codes and regulations.

(d) At the end of the thirty (30) day period, it shall be determined whether or not the nuisance is being or has been abated. If it is found that such nuisance continues to exist, the owner, occupant, manager or agent and any other interested person or person requesting notice shall be served with a second notice. The second notice shall state that the nuisance continues to exist, its location, type and manner of abatement and that the abatement must commence within five (5) working days or the matter will be referred to the City Attorney for civil action.

(e) The notices required by this section shall be served by personal delivery or by mailing, first class, postage prepaid, return receipt requested, to the owner at his last known mailing address as it appears on the last equalized assessment roll of the County, and to the occupant, manager or agent at the address of the building or place or any other known address, or by posting on the property. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings under this ordinance.

(f) Upon receipt of a response from the person served, the Police Department and the City may agree in writing to extend the time to commence, perform or complete abatement and may condition such extension on the performance of actions by the owner, occupant, manager, or agent, including but not limited to bringing the building into compliance with any and all applicable local, state and federal building codes and regulations.

[*History:* formerly § 2.704; ORD. 638, 12/14/05]

### **2.03.050 Commencement of Civil Action.**

(a) The City Attorney, with the concurrence of the City Manager, is hereby authorized to file a civil action pursuant to California Health & Safety Code Section 11570 *et. seq.* to have the court determine whether any property within the Town constitutes a nuisance within the meaning of Section 11570.

(b) The City Manager, in his or her discretion, may send one or more warning letters to each owner and resident of the premises prior to filing the civil lawsuit, demanding that the activities constituting the nuisance cease immediately. A warning letter need not be sent when, in the judgment of the City Manager, to do so would be futile.

(c) The City Manager may delegate the responsibilities placed upon them by this ordinance by such subordinate officers and employees as he or she, in his/her sole discretion deems appropriate.

[*History:* formerly § 2.705; ORD. 638, 12/14/05]