

## South Lake Tahoe City Code

### Chapter 17

#### NUISANCES\*

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\* For state law as to authority of city relative to nuisances generally, see Gov. C. §§ 38771, 38773 – 38773.5. As to violations of refuse and garbage regulations as a nuisance, see SLTCC 23-33.

Code reviser's note: The TRPA documents referenced in this chapter are available in the office of the city clerk.

**Article I. In General**

Division 1. Nuisances Declared

**§ 17-1. Nuisances affecting health.**

The following are hereby declared to be nuisances affecting health:

- A. All decayed or unwholesome food offered for sale to the public.
- B. All diseased animals running at large.
- C. All ponds or pools of stagnant water.
- D. Carcasses of animals not buried or destroyed within 24 hours after death.
- E. Accumulations of manure or rubbish.
- F. Privy vaults and garbage cans which are not fly tight.
- G. The pollution of any public or private well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances.
- H. All noxious weeds and other rank growth upon public or private property.
- I. All public exposure of persons having a contagious disease.
- J. The use of a common public drinking cup or a roller towel.
- K. The distribution of samples of medicine or drugs, unless such samples are placed in the hands of an adult person.
- L. All other acts, omissions of acts, occupations and uses of property which are deemed by the county health department to be a nuisance to the health of the inhabitants of this city or any considerable number thereof.
- M. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities. (Ord. 50 § 1; Ord. 477 § 1; Ord. 608 § 1)

**§ 17-2. Nuisances affecting the visual and aesthetic health and welfare.**

The following are hereby declared to be nuisances affecting the aesthetic health and welfare:

A. The existence or accumulation of litter, trash, scrap materials, junk parts, garbage, or refuse of any kind upon private real property; provided, that said refuse is visible to the occupants of an adjacent or nearby parcel of real property, or to the users of any right-of-way.

B. The existence of accumulation of dead or diseased vegetation.

C. Service stations which remain fenced or secured and inoperative and/or in a dilapidated or unsightly condition in excess of 180 days. (Ord. 50 § 1; Ord. 477 § 2; Ord. 608 § 1; Ord. 798 § 1)

**§ 17-2.1. Nuisances on commercial property affecting the visual and aesthetic health and welfare.**

The following are hereby declared to be nuisances on commercial properties affecting the aesthetic health and welfare, and are prohibited:

A. Outside displays, including but not limited to the existence or accumulation of merchandise on the exterior of a business upon private property; provided, that said merchandise is visible to the occupants of an adjacent or nearby parcel of real property, or to the users of any public right-of-way or street and the outside display is not part of the primary use of the business as defined in Chapter 18 of the TRPA ordinance.

B. Outside storage, including but not limited to the existence or accumulation of supplies, merchandise, appliances, equipment, scrap materials, or junk parts of any kind; provided, that said merchandise is visible to the occupants of an adjacent or nearby parcel of real property, or to the users of any public right-of-way or street.

C. The provisions of this section shall not apply to:

1. Commercial businesses that are allowed outside storage or display as part of their primary use as defined in Chapter 18 of the TRPA ordinance.

2. Commercial businesses that have a pre-existing approved special use permit for outside display and/or storage.

3. Commercial businesses with an approved temporary activity permit.

4. Adornments in front of commercial businesses. Adornments are defined as merchandise displayed directly in front of a commercial business, in proximity to the entrance, that occupies no more than 16 square feet, does not interfere with

required parking and does not encroach into the public right-of-way. (Ord. 941 § 1)

**§ 17-3. Nuisances affecting peace and safety.**

The following are declared to be nuisances affecting public peace and safety:

A. The idling of diesel bus engines or other similar transit vehicles for periods longer than 15 minutes in duration within the city limits. The following projects and activities are not subject to this limitation:

1. Vehicles specifically permitted, after environmental impact analysis, to idle longer than 15 minutes;

2. Emergency vehicles, snow removal equipment, or combustion engines required in the case of emergencies or repairs;

3. Vehicles in transit on public rights-of-way.

B. A licensed operator must be present inside the vehicle at all times while the diesel engine is in operation.

C. 1. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

2. All limbs of trees which are less than eight feet above the surface of any street or sidewalk.

3. All explosive, inflammable liquids and other dangerous substances stored in any manner or in any amount in violation of any law.

4. All use or display of fireworks in violation of law.

5. All loud and raucous noise.

6. All buildings and alterations to buildings made or erected in violation of the regulations concerning manner and materials of construction.

7. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by law.

8. Radio aerials strung in any manner in violation of any law.

9. Any use of property abutting upon a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets and sidewalks.

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10. All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public.

11. All use of stationary loudspeakers in any part of the city in such manner as to disturb the peace of the inhabitants of the city. (Ord. 50 § 1; Ord. 113 § 1; Ord. 608 § 1; Ord. 753 § 1)

### § 17-4. Nuisance declared by other laws.

A nuisance, in addition to the matters declared by SLTCC 17-2, 17-3 or 17-4, is anything that any statute of the state or any provision of this code or any other ordinance of the city shall declare to be a nuisance. (Ord. 50 § 1; Ord. 608 § 1)

### § 17-5. Creating, permitting, etc., nuisances prohibited.

Any person who shall knowingly cause or create a nuisance or permit any nuisance to be created upon or to remain upon any premises owned or occupied by him shall be guilty of a violation of this code. (Ord. 50 § 1; Ord. 608 § 1)

## Division 2. Abatement Proceedings

### § 17-6. Remedies cumulative.

The procedures provided by this division are not exclusive, but are in addition to other procedures provided by other provisions of this code or any other laws of this state. (Ord. 361 § 2; Ord. 608 § 1)

### § 17-7. Preliminary determination – Notice to owner to abate nuisance.

When the city manager determines that acts are being performed or conditions exist which have been declared by law to be a nuisance, the city manager shall notify the owner of the property upon which or in front of which the nuisance exists, any other persons having an interest of record in the property, and the persons causing the nuisance if different from the persons herein before designated to abate the nuisance within 10 days after the date of the notice.

The notice shall contain the following information:

A. The names and addresses of the owners of record of the property, the names and addresses of the owners of the property as shown by the last available equalized assessment roll of the county

and the names and addresses (where known) of all persons having an interest of record in such property.

B. A description of the property upon or in front of which such nuisance exists by assessment parcel number as shown on the current records of the assessor of the county and by such other description as in the opinion of the city manager will identify the property.

C. A description of the acts or conditions constituting the nuisance.

D. A description of the steps necessary to abate the nuisance.

E. The time and place for a hearing before the city manager to hear objections to the abatement of the nuisance which shall be not less than 10 days from the giving of the notice.

F. Information that if the nuisance is not abated by the owner or other persons prior to the hearing it may thereafter be abated by the city authorities, in which case all costs will be assessed upon the property.

G. A copy of such notice shall be mailed to each person named therein.

H. A copy of such notice shall be posted upon the property upon or in front of which the nuisance is declared to exist.

I. An error in the name or address of any person, or the failure of any person to whom notice is to be given to receive the notice shall not affect the validity of the proceedings. (Ord. 361 § 2; Ord. 608 § 1)

### § 17-8. Hearing by the city manager.

If at the time set for the hearing the nuisance has not been abated, the city manager shall hear the testimony of the city staff and all other competent persons desiring to testify, respecting the act or condition declared to be a nuisance, including the estimated cost of its abatement and any other matter which may be pertinent. The hearing may be continued from time to time. At the conclusion of the hearing the city manager shall make written findings. (Ord. 361 § 2; Ord. 608 § 1)

### § 17-9. Action by city manager.

A. If the city manager determines that the acts or conditions do not constitute a public nuisance he/she shall so declare and the proceedings shall terminate.

B. If the city manager determines that the acts or conditions do constitute a public nuisance he/she shall so declare after which he/she may effectuate the abatement of the public nuisance by the use of city forces or by such contractors as may, in the judgment of the city manager, be necessary to abate the nuisance. (Ord. 361 § 2; Ord. 608 § 1)

**§ 17-10. Performance of work, record of costs of work done by city to be kept – Overhead to be added to city cost.**

A. By Owner. At any time prior to the arrival of the city forces or contractor to abate a nuisance pursuant to this division, the owner, or any person acting in his/her behalf, may abate the nuisance at his/her expense and thereupon all further proceedings shall terminate.

B. By City. Once the city forces or contractor have arrived at the property, the owner shall have no further rights to abate the nuisance and the abatement shall be conducted by the city. The city manager shall keep an accurate record of the cost of the work in abating the nuisance and shall include therein an overhead cost of 25 percent of the total cost for administration. (Ord. 361 § 2; Ord. 538 § 1; Ord. 608 § 1)

**§ 17-11. Assessment of costs of abatement by city – Notice of assessment – Costs of abatement constitute lien on property – Collection of costs.**

A. The city engineer shall prepare a report describing any work performed pursuant to this article, listing each parcel of property affected by the abatement and listing after each such parcel the proportion of the total cost, including administration, to be assessed against each parcel.

B. A copy of such report, together with a notice of the time and place of the hearing and confirmation of such report shall be mailed to each person named in the notice declaring the nuisance at the address therein given and to any person who shall claim an interest in any affected parcel and have requested a copy of such report and notice and a

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copy thereof shall be posted in a public place at the City Hall, all of which shall be done not later than 10 days prior to the date set for such hearing.

C. At the time and place set forth in such notice, the city manager shall hear the report and any objections of property owners liable to be assessed pursuant thereto, make any necessary modifications and confirm the report and assessment list by resolution. The confirmation report and/or resolution shall contain a notice to the property owner that second or subsequent abatements carried out on the property may be subject to payment of treble costs and attorney’s fees in accordance with SLTCC 17-14 and 17.14.1.

D. Thereafter, the cost of the abatement work for each parcel shall constitute special assessments against such respective lots and a personal obligation against the property owner and a lien on such property for the amount of such assessments until paid.

E. The assessments shall be entered on the tax rolls in which municipal taxes are to be collected and shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

F. An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property. (Ord. 361 § 2; Ord. 608 § 1; Ord. 896 § 1)

**§ 17-12. Summary abatement.**

Whenever the city council, the city manager, the fire chief or the senior fire officer on duty, the chief of police or the senior police officer on duty, or the director of public works or in his absence the superintendent of streets shall determine that a nuisance is such an imminent peril to the health or safety of the public or to public or private property, that the time required to follow the procedures outlined in SLTCC 17-8 through 17-14 would seriously threaten the health or safety of the public or create injury to public or private property, the city council or any such officer may order forthwith the abatement of such nuisance. In abating a nuisance,

such officer may use city forces or he/she may employ contractors. Thereafter all proceedings required by SLTCC 17-13 and 17-14 shall be held. At the hearing required by SLTCC 17-14(D), any property owner affected may be heard to object to the abatement itself. (Ord. 361 § 2; Ord. 608 § 1)

**§ 17-13. City manager may delegate duties.**

The city manager may delegate any city officer or employee, other than the city attorney, to perform his duties as set forth in this division. (Ord. 361 § 2; Ord. 608 § 1)

**§ 17-14. Second or subsequent nuisance abatements – Authority to pursue collection of treble costs therefor.**

In the event the city takes action against a property owner to abate a second or subsequent nuisance on property upon which a previous nuisance abatement has been conducted within the preceding two years, the city may seek a court order authorizing the assessment of treble costs of the second or subsequent abatement process in accordance with Government Code Section 38773.7 or any successor section thereto. (Ord. 896 § 1)

**§ 17-14.1. Collection of attorneys’ fees.**

The city may elect, at the onset of any court action in connection with a nuisance abatement proceeding, to seek recovery of reasonable attorneys’ fees for legal services in connection with said proceedings. In the event the city makes such an election, recovery of attorneys’ fees shall not be limited to the city; the prevailing party in such proceedings shall recover its reasonable attorneys’ fees in accordance with Government Code Section 38773.5(b) or any successor legislation thereto. (Ord. 896 § 1)

**§ 17-14.2. City manager may delegate duties.**

Repealed. (Ord. 361 § 2; Ord. 608 § 1)

**Article II. Abandoned, Wrecked, Dismantled or Inoperative Vehicles**

Division 1. General

**§ 17-15. Definitions.**

A. “Abandoned vehicle” means any vehicle or part thereof which is:

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1. A vehicle to which the registered owner has relinquished all further dominion or control; or

2. A vehicle which is inoperative or otherwise wrecked or dismantled; or

3. A vehicle which due to its condition or location constitutes an attractive nuisance, a hazard to persons in the vicinity thereof, or is sufficiently “unsightly” as to reduce the value of adjoining property or interfere with the quiet enjoyment of adjoining property; or

4. A vehicle with expired registration for more than six months. Vehicles must be registered in California, if the owner resides in California. A nonoperational certificate does not constitute current registration.

B. “Dismantled vehicle” means any vehicle which is wrecked, junked or inoperative, or from which any part has been damaged or removed for a period of seven days or more so as to render the vehicle inoperable under its own power.

C. “Enforcement officer” means any officer or employee of the city delegated by the city manager to enforce the provisions of this article.

D. “Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes “street”.

E. “Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

F. “Owner of the vehicle” means the last registered owner and legal owner of record.

G. “Property” means any real property, public or private, within the city, which is not a public street or highway.

H. “Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Ord. 137 § 1; Ord. 290 § 2; Ord. 711 § 1; Ord. 811 § 1; Ord. 880 § 1)

### § 17-16. Authority.

This article is enacted pursuant to the authority of Section 22660 of the Vehicle Code of the state. (Ord. 137 § 1)

### § 17-17. Article not exclusive.

This article is not an exclusive regulation of motor vehicle dismantling, wrecking, junking and abandonment within the city. It shall supplement, be cumulative with and in addition to all other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or other legal entity having jurisdiction. (Ord. 137 § 1)

### § 17-18. Findings by council – Declaration of public nuisance.

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on property is hereby found to create an unsightly condition upon private premises tending to reduce the value of property, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors and to create a harborage for rodents. Such accumulation and storage of vehicles is further found to promote urban blight and deterioration in the community, to violate the zoning regulations of the city in many instances, particularly where such vehicles are maintained in the required front or side areas of residential property, and it is found that such abandoned, wrecked, dismantled or inoperative vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles on property, except as expressly permitted in this article, is hereby declared to constitute a public nuisance, which may be abated as such, which remedy shall be in addition to any other remedy provided in this article or by state law. (Ord. 137 § 1)

### § 17-19. Exemptions.

This article shall not apply:

A. To a vehicle or part thereof which is completely enclosed within a building/carport in a lawful manner or which is not otherwise visible from the street or other property. Covering a vehicle with a tarp or other material does not constitute enclosure.

B. To a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard; provided, that this exception shall not authorize the

maintenance of a public or private nuisance, as defined under provisions of law other than this article. (Ord. 137 § 1; Ord. 811 § 2)

**§ 17-20. Administration of article.**

This article shall be administered under the direction and control of the city manager using regularly salaried employees of the city. Upon approval by the city manager, and in compliance with any interagency agreements regarding access, such employees shall be authorized to receive Department of Justice/CLETS information to the extent necessary to enforcement of the provisions of this chapter. (Ord. 137 § 1; Ord. 811 § 3; Ord. 885 § 1)

**§ 17-21. Authority to enter property.**

The enforcement officer may enter upon private property to examine vehicles or parts thereof, to obtain information as to the identity of the vehicle and to remove or cause the removal of vehicle or parts thereof declared to be a nuisance pursuant to this article. (Ord. 137 § 1)

**§ 17-21.1. Determination of administrative costs.**

The city council shall from time to time fix and determine an amount to be assessed as administrative costs (excluding the actual costs of removal of any vehicle or parts thereof) under this article. Such determination may be either as a fixed sum

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per removal, or as a percentage of the actual cost of removal, whichever the council shall deem proper. (Ord. 290 § 3)

Division 2. Proceedings for Removal

**§ 17-22. Preliminary determination of violation – Report to city clerk by enforcement officer.**

Repealed. (Ord. 137 § 1; Ord. 606 § 1)

**§ 17-23. Power of enforcement officer.**

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the enforcement officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 290 § 5)

**§ 17-24. Notice of intention to abate and remove to owner of property and to owner of vehicle.**

Upon filing his report, the enforcement officer shall mail by certified mail a 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance to the owner of the land and/or to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

All vehicles will be physically tagged with 10-day towing notices of intent to abate said vehicles. (Ord. 290 § 5; Ord. 331 § 1; Ord. 811 § 4)

**§ 17-25. Hearing – When required.**

The 10-day notice of intention to abate and remove a vehicle or part thereof, when required, shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may submit a sworn statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record

unless the vehicle is in such condition that identification numbers are not available to determine ownership.

Upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle is located, a public hearing shall be held before the city manager or his designee. This request shall be made to the city manager within 10 days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release pursuant to Subdivision (C), Section 22661, California Vehicle Code. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

If the city does not charge and collect a fee from the property and/or vehicle owner for the removal of the vehicle, the above SLTCC 17-25 shall not apply. (Ord. 290 § 5; Ord. 811 § 5)

**§ 17-26. Same – Conduct.**

The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on his land, with his reason for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

If the city does not charge and collect a fee from the property and/or vehicle owner for the removal of the vehicle, this section shall not apply. (Ord. 290 § 5; Ord. 811 § 5)

**§ 17-27. Removal of vehicle after hearing.**

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or five days from the date of mailing of notice of the decision if such notice is required by the preceding section, the vehicle or parts thereof may be

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disposed of by removal to a scrapyard or automobile dismantler’s yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. 290 § 5)

**§ 17-28. Notice to department of motor vehicles.**

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the department of motor vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 290 § 5)

**§ 17-29. Costs made a special assessment.**

Cost of removal and administrative costs which are imposed against the owner of property either because of a failure to request a hearing or after a hearing shall be assessed against the property pursuant to Section 38773.5 of the Government Code of the state and shall be transmitted to the county tax collector for collection. Such assessment shall have the same priority as other taxes of the city.

If the city does not charge and collect a fee from the property and/or vehicle owner for removal of the vehicle, this section shall not apply. (Ord. 290 § 5; Ord. 811 § 6)

**§ 17-30. Costs constitute debt to the city.**

Costs of removal and administrative costs are a debt to the city from the owner of the vehicle and may be enforced as such in any court of competent jurisdiction.

If the city does not charge and collect a fee from the property and/or vehicle owner for removal of the vehicle, this section shall not apply. (Ord. 290 § 5; Ord. 811 § 7)

**Article III. Towing and Wrecking Services**

**Division 1. In General**

**§ 17-31. Definitions.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**§ 17-32. Purpose and intent.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**Division 2. Licenses**

**§ 17-33. Number of licenses needed.**

Repealed. (Ord. 462 § 1; Ord. 616 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-34. Issuance pursuant to procedure.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-35. Proposals – Procedure generally.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-36. Same – Contents.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-37. Same – Investigation of applicant upon submission – Reports – Recommendation to council.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-38. Same – When council to award license – Rejection – Notice of rejection required.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-39. Minimum business and storage lot requirements.**

Repealed. (Ord. 462 § 1; Ord. 628 § 1; Ord. 758 § 4)

**§ 17-40. Minimum equipment standards.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**§ 17-41. Term.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**§ 17-42. Revocation.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**§ 17-43. Transferability.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**Division 3. Regulations of Operation**

**§ 17-44. Signs on tow trucks.**

Repealed. (Ord. 462 § 1; Ord. 758 § 4)

- § 17-45. **Disputes.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-46. **Liability of companies.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-47. **City business license required.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-48. **Records required – Contents.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-49. **Records, receipts, equipment and storage facilities – Subject to checks and audits.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-50. **Charges – Posting rate schedule.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-51. **Vehicle owner to have choice of service used.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-52. **Dispatch to licensee.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-53. **Service delays – Duty of towing service to notify police dispatcher.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-54. **Same – Use of backup service required.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-55. **Attendant to be on call.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-56. **Protection of impounded vehicles.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-57. **Impounded vehicles to be available for appraisals.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-58. **Vehicles to be appraised to be accessible.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)
- § 17-59. **Removing vehicles.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)

- § 17-60. **Removal from basin.**  
Repealed. (Ord. 462 § 1; Ord. 758 § 4)

**Article IV. Litter and Waste Matter**

Division 1. In General

**§ 17-61. Definitions.**

“Litter” is any quantity of misplaced solid waste, including but not limited to discarded furniture and appliances, overflowing residential and commercial trash cans, pieces of lumber and scrap metal left at a construction site, uncontainerized paper such as fast-food packages, candy wrappers, cigarette butts, and/or plastic, glass, trash, debris, rubbish, refuse, garbage or junk parts and scrap materials.

“Littering” is the discarding, dropping or scattering of small quantities of waste matter ordinarily carried on or about the person, including but not limited to beverage containers and closures, packaging, wrappers, wastepaper, newspapers and magazines, in a place other than a container maintained for the proper disposal thereof, and including waste matter which escapes or is allowed to escape from a vehicle, container, receptacle or package.

“Public property” includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, lanes, alleys, public right-of-way, public parking lots, school grounds, municipal grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly owned recreation facilities and municipal waterways and bodies of water.

“Private property” includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

“Containers” are litter storage bins, composed of metal or heavy plastic, and designed to provide sufficient capacity so as to prevent their contents from overflowing into surrounding areas, and to have a closure system which discourages animals and insects. (Ord. 717 § 1)

**§ 17-62. Purpose and intent of article.**

The city council, after several public discussions and hearings, makes the following findings of fact, thereby declaring its purpose:

A. That the existence or accumulation of litter, trash, scrap materials, junk parts, garbage, or refuse of any kind upon private or public real property constitutes a public nuisance affecting visual and aesthetic health and welfare; provided, that said refuse is visible to occupants of an adjacent or nearby parcel of real property, or to the user of any right-of-way.

B. That excessive amounts of litter and waste materials accumulate in single-family residential lots, multiple-family residential lots, commercial and industrial areas, and are deposited in the streets and public right-of-ways within the city.

C. That the public health, safety, and welfare of the citizens of and visitors to the city require that the collection, removal and disposal of litter, rubbish and waste material from all areas within the city must be managed to ensure the greatest good and least possible inconvenience, cost and maintenance to the city and the citizens thereof.

D. That the collection, removal and disposal of litter, rubbish and waste material from all areas within the city benefits all owners, occupants or persons in possession, charge or control of all such areas where said material accumulates and requires removal therefrom on a regular and or as needed basis, and that liability for payment of such services, irrespective of actual use of those services, shall be as set forth in SLTCC 23-18. (Ord. 717 § 1)

Division 2. Prohibited Acts

**§ 17-63. Pedestrians and motorists.**

A. It shall be unlawful for any person to throw, dump, scatter, discard, place or deposit litter in any manner or amount on any highway, road, right-of-way, or public or private property within the corporate limits of the city, except in containers or areas lawfully provided for that use. (California Penal Code Section 374b, 374b.5, 374e; California Vehicle Code Sections 23112, 23112b, 23113; and SLTCC 23-26).

B. No person, either directly or indirectly shall distribute, deposit, place, throw or scatter any handbill, leaflet, flyer or any other advertising or informational material upon any public thorough-

fare, private property or upon any automobile or other vehicle; providing, the provisions of this section shall not be deemed to prohibit the handling of any handbill to any person willing to accept such handbill. (SLTCC 3-3 through 3-5.) (Ord. 717 § 1)

**§ 17-64. Vehicles transporting loose materials.**

It shall be unlawful for any person, firm, corporation, institution or organization to transport any waste matter or litter by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and/or secured in such a manner as to prevent depositing litter on public or private property. (SLTCC 23-9; California Vehicle Code Sections 23114 and 23115.) (Ord. 717 § 1)

**§ 17-65. Litter receptacles and solid waste containerization.**

A. Each person owning a single-family residence, multifamily residence or commercial establishment, located in any area in which collection is provided by the city approved contractor, shall have suitable containers, designed to provide sufficient capacity so as to prevent its contents from overflowing into surrounding areas and equipped with a sufficient closure system so as to discourage animals and insects. The type, suitable size, and number of containers as prescribed shall be consistent with the requirements of this article and SLTCC 23-12 through 23-16 and 23-22.

B. Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the persons collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the city or the city authorized contractor.

C. All items too large to fit into containers, such as but not limited to appliances, furniture and mattresses, shall be disposed of by the property owner in accordance with SLTCC 23-12.

D. All loose materials which normally fit into containers, but which are excess as a result of a special circumstance such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers.

E. Containers shall be kept covered or closed at all times.

F. It shall be unlawful for any person to deposit household solid waste in any receptacle maintained for purposes of general litter disposal. (Ord. 717 § 1)

**§ 17-66. Litter receptacles.**

A. All commercial establishments and institutions which generate solid waste within the city boundaries are required to demonstrate adequate refuse collection and removal.

B. All commercial establishments and institutions that are not on a regular refuse removal schedule shall apply for an exemption in accordance with SLTCC 23-21(C) and (D).

C. It shall be unlawful for any owner, manager or employee of a commercial establishment or institution to deposit solid waste from the establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians. (Ord. 717 § 1)

**§ 17-67. Loading and unloading operations.**

Any owner or occupant of an establishment or institution at which litter is produced during the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof. (Ord. 717 § 1)

**§ 17-68. Construction/demolition projects.**

A. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolitions project.

B. It shall be the duty of the owner, agent or contractor to have adequate containers on site for the disposal of litter and to make appropriate arrangements for the collection thereof or transportation by the owner, agent or contractor to an authorized facility for final disposal.

C. The owner, agent, or contractor may be required at any time to show proof of appropriate collection, or, if personally transported, of final disposal at an authorized facility. (Ord. 717 § 1)

**§ 17-69. Provision for solid waste disposal and storage facilities at new buildings.**

A. Before building permits shall be issued for construction of commercial buildings and multiple dwelling units, plans for the adequacy, location and accessibility of solid waste containers and storage facilities must be approved by the city building and zoning department.

B. No final building permit shall be issued for said premises until the department’s approval of these facilities has been obtained. (Ord. 717 § 1)

**§ 17-70. Keeping property clean.**

A. The existence or accumulation of litter, trash, scrap, materials, junk parts, garbage or refuse of any kind upon private property shall be prohibited; provided, that said refuse is visible to the occupants of an adjacent or nearby parcel of real property or to the users of any right-of-way (SLTCC 17-4 and 17-5).

B. It shall be unlawful to allow accumulations of wastepaper, litter, or combustible or flammable waste materials or rubbish of any kind to remain in any court, yard, vacant lot or open space. (Uniform Fire Code Section 11.201(a).) (Ord. 717 § 1)

Division 3. Abatement Procedures

**§ 17-71. In general.**

When addressing prohibited acts associated with litter, as described in SLTCC 17-2 and further amplified in Article IV of this section, the following abatement procedures will apply. (Ord. 717 § 1)

**§ 17-72. Remedies cumulative.**

The procedures provided by this division are not exclusive, but are in addition to other procedures provided by other provisions of this code or any other law of this state. (Ord. 717 § 1)

**§ 17-73. Preliminary determination – Certified notice violation and requested abatement.**

When the city manager or his designee determines that acts are being performed or conditions exist which have been declared by law to be in violation of Article IV, Chapter 17 of the city code, the city manager or designee shall notify, by certified letter, the owner of the property upon which or in front of which the violation exists, any other per-

## § 17-74

sons having an interest of record in the property and the persons accusing the violation if different from the above described persons, to respond within five days and comply within 14 days from the date of the letter.

The letter shall contain the following information:

A. The names and addresses of the owners of record of the property, the names and addresses of the owners of the property as shown by the last available equalized assessment roll of the county and the names and addresses (where known) of all persons having an interest of record in such property.

B. The assessor's parcel number of the property upon or in front of which such violation exists as shown on the current records of the county assessor and by any other description that in the opinion of the city manager is necessary to identify the property.

C. A description of the acts or conditions constituting the violation.

D. Final compliance date, not to exceed two weeks from the date of the notice.

E. A description of the steps necessary to abate the nuisance.

F. The date, time and location of a hearing at which objections to the abatement of the nuisance may be heard. The hearing may be held no sooner than five days after the date of the letter.

G. Notice that the nuisance will be abated by city authorities and all costs will be assessed upon the property, should the nuisance remain after the hearing date.

H. A copy of such notice shall be mailed to each person named therein.

I. A copy of such notice shall be posted upon the property upon or in front of which the nuisance is declared to exist.

J. An error in name and address of any person, or the failure of any person to whom notice is to be given to receive the notice shall not affect the validity of the proceedings. (Ord. 717 § 1)

### § 17-74. Steps necessary to abate the nuisance – By owner.

A. If the owner intends to correct the violation, he/she must comply within two weeks of the date the notice of violation is mailed.

B. If the property owner fails to respond or refuses to comply within the two-week deadline, the city authorized contractor will be dispatched by the city to abate the nuisance.

C. A bill for the abatement will be sent to the property owner for the cost and service charges associated with the abatement.

D. The city will compensate the city authorized contractor within the regular billing period for abatement procedures, and reimburse the general fund when payment is received from the owner.

E. If payment is not received from the property owner in a reasonable amount of time, a lien will be placed against the property. (Ord. 717 § 1)

### § 17-75. Administrative hearing and penalties.

A. If a violation continues to exist after the above notification and abatement process has been completed, or if there are repeat violations at the same location, the property owner and/or the renter, tenant or person causing the violation shall be noticed of an administrative hearing to be conducted within five days of the end of the above notice process by the city manager or appointed designee to consider the violation.

B. If the hearing officer finds that sufficient evidence exists of violation of the provisions set forth herein, the penalty of \$100.00 for the first offense may be assessed, a penalty of \$250.00 for the second offense, and a penalty of \$500.00 for third and any subsequent offenses thereafter, against the property owner or the person determined to be the violator. Consideration of number of offenses shall be given in determining the fine. (Ord. 717 § 1; Ord. 745 § 1; Ord. 791 § 1)

### § 17-76. Action by city manager or designee.

A. If the hearing officer determines that the act is or conditions do not constitute a violation, he/she shall so declare and the proceedings shall terminate.

B. If the hearing officer determines that the acts or conditions do constitute a violation of this article, he/she shall so declare after which he/she commences the abatement of the violation by use of city forces, or by such contractors as may, in the judgment of the hearing officer, be necessary to abate the violation. (Ord. 717 § 1)

**§ 17-77. Immediate abatement.**

Where litter conditions exist to the extent that they constitute a potential fire hazard, or a threat to the health, safety and/or welfare of neighboring residents, the city manager is hereby authorized to initiate immediate action to correct the problem by either contacting the appropriate fire and/or health authorities, or by commencing an immediate abatement by the city authorized contractor, in accordance with SLTCC 17-18. (Ord. 717 § 1)

**Article V. Graffiti****§ 17-78. Declaration of graffiti as a public nuisance.**

Graffiti on public or private property is a blighting factor which not only depreciates the value of the property which has been the target of such vandalism, but also depreciates the value of the adjacent and surrounding properties, and in so doing, has a negative impact upon the entire community.

Further, the existence of graffiti tends to encourage other acts of malicious vandalism, and may breed community discontentment and other forms of criminal activity. The council finds and determines that graffiti is obnoxious and a public nuisance and unless it is removed expeditiously from public and private property, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and the entire community depreciates in value and becomes a less desirable place to be. (Ord. 774)

**§ 17-79. Graffiti defined.**

Wherever in this article the term “graffiti” is used, it shall mean the unauthorized application of paint, ink, chalk, dye, or any other substance on public and private buildings, structures and places. (Ord. 774)

**§ 17-80. Graffiti – Prohibited.**

It shall be unlawful for any person to apply graffiti on any public or privately owned permanent structures located on public or privately owned real property within the city.

Any individual found guilty of violating this section shall reimburse the city or the property owner for any and all costs the city or property owner may incur in removing graffiti under the provisions of this article. Such reimbursement

shall be in addition to any other penalties imposed by the court pursuant to Penal Code Section 594 et seq. If the violator is a minor, the parent or guardian shall be responsible for such reimbursement. (Ord. 774)

**§ 17-81. Legislative authorization to use public funds for removal of graffiti.**

Government Code Section 53069.3 authorizes cities to provide for removal of graffiti from private as well as public property; provided the painting or repair of a more extensive area is not undertaken, and an appropriate consent, release and waiver is executed by the property owner. (Ord. 774)

**§ 17-82. Removal of graffiti.**

Whenever the chief of police or his designee determines that graffiti or other inscribed material is so located on public or privately owned, permanent structures on public or privately owned real property within the city which is visible from any public right-of-way, or from a property adjacent to the property on which the graffiti is located, the chief of police or his designee is authorized to provide for the removal of the graffiti in accordance with state law and established city procedures.

A. Graffiti found on property owned by the city of South Lake Tahoe shall be removed by the city public works department or through utilization of other city resources.

B. Graffiti found on public property owned by governmental entities other than the city shall be removed by the governmental entity under which jurisdiction the property falls, and the governmental entity shall bear all costs of such removal.

C. Graffiti found on private property shall be removed by the city or its designated agents, after first obtaining a consent to enter and release of liability form from the property owner in accordance with Government Code Section 53069.3. In removing the graffiti or other inscribed material, the painting or repair of a more extensive area shall not be authorized.

D. Graffiti Removal Program – Procedures. The graffiti removal program shall be a cooperative effort between the South Lake Tahoe police department, the public works department, and the city attorney’s office.

1. Discovery and Reporting of Graffiti. All incidents of new graffiti found by city crews and

members of the public shall be reported to the South Lake Tahoe police department. The department shall commence any necessary investigative work and shall determine whether the graffiti is located on city owned property, or property owned by another governmental agency or a private property owner.

2. Removal of Graffiti on Public Property.

a. City Property. Whenever graffiti is found on city owned property, the police department shall notify the public works supervisor of the location and type, and request its removal as soon as possible, and not later than seven days from the date the supervisor receives notification.

b. Property Owned by Other Public Entities. In cases where graffiti is found on property owned by a governmental agency other than the city, the police department shall provide notification that the graffiti must be removed within a seven-day period. Failure on the part of the governmental agency to remove the graffiti may result in a summary abatement process, as provided by SLTCC 17-84.

3. Removal of Graffiti on Private Property.

In cases where graffiti is located on private property, the police department shall contact the owner or manager of the property and explain the graffiti removal program.

Removal of graffiti on private property shall be limited to the painting over or sanding of graffiti. Sandblasting shall not be undertaken by the city on private property.

The police department shall provide the property owner/manager with a consent to enter and release of liability form, requesting that they sign it immediately.

The police department shall arrange to have the graffiti removed by one of the following:

- a. Minors placed on work project by either the El Dorado County court or the county probation department.
- b. California Conservation Corp.
- c. Voluntary action.

If no manpower is available through the above mentioned resources, the city attorney's office shall, through an informal bid process, solicit the services of a local painting contractor to perform the graffiti removal. Costs of the services of a painting contractor shall be paid from the graffiti removal program account.

The property owner shall be given the option of supplying paint to ensure color match. In the event the property owner does not supply the paint, the city shall provide a limited number of basic colors from which the property owner may choose.

In the event the owner/manager fails to sign the form, the department shall provide the owner/manager with a notice to property owner explaining that failure to provide consent shall result in the obligation of the property owner to remove the graffiti no later than seven days from the date of the notice, and at his or her expense. Further, that failure to remove the graffiti within seven days of the date of the notice will result in a summary nuisance abatement proceeding commenced against the property owner, which could result in a \$100.00 per day administrative penalty assessed through a lien against the property.

The police department shall notify the city attorney's office in the event graffiti is not removed by the property owner within the mandatory seven-day period, and a summary abatement process will be carried out, with a hearing in front of an administrative hearing officer. The property owner shall be given an opportunity to explain why the graffiti remains. If no reasonable explanation and/or timeframe for its removal are provided by the property owner, the city attorney's office shall coordinate with the police department to arrange to have the graffiti removed, and assess the property owner all costs of the removal, as well as any fines imposed as a result of the owner's failure to remove the graffiti on his own. Such assessment shall be in the form of a lien placed against the property.

In those cases where the property owner shall bear sole responsibility for graffiti removal because specialized techniques such as sandblasting are required, leniency with respect to the seven-day mandatory removal period shall be considered.

GRAFFITI REMOVAL PROGRAM

CONSENT TO ENTER AND RELEASE OF LIABILITY

I, the undersigned, as owner/manager of the property located at \_\_\_\_\_, in South Lake Tahoe, do hereby grant consent to entry upon the above described property by personnel and equipment of

the city of South Lake Tahoe, their agents and employees (hereinafter separately and collectively referred to as "city"), for the purpose of removing, reducing, or obliterating graffiti on the property by painting or use of solvents, as deemed necessary or desirable by city. I further understand that in accordance with the city's graffiti abatement program, the city may utilize the services of volunteers or youth of the community to remove graffiti, and that these individuals will be deemed agents of the city for purposes of this program. In any case where persons under 18 years of age perform graffiti removal, adult supervision will be provided.

I, the undersigned, do hereby release, discharge, hold harmless, and defend the city from all claims, judgments, demands, or actions of every kind and nature whatever, which, under any theory, may arise as a result of the performance of the graffiti removal services on the property.

I understand that:

(1) The removal shall be performed as determined by city, and may be in blocks, patches and strips where the graffiti appears, and that the surface from which the graffiti is removed may not match precisely the colors on the remainder of the improvements on the property.

(2) The city assumes no responsibility if colors do not precisely match.

I understand that the city will provide a limited number of colors from which I may select and that the colors may vary significantly from the color of the surface to be treated. I further understand that I have the option of supplying the paint to be used to help ensure a closer match of color to that currently existing on the surface to be treated.

(3) Some residue of the existing graffiti may remain.

It is further understood and agreed that city in no way obligates itself to do any work, or to use its equipment or other resources to

any greater extent, than determined necessary by the chief of police or his designee.

I fully understand that under SLTCC 17-83, my failure to execute this consent to enter and release of liability obligates me to have the graffiti found on my property removed at my own expense within seven days of notice by the city.

_____	_____
Date	Owner/Manager
_____	_____
Telephone	Print Name

(Ord. 774)

**§ 17-83. Failure by property owner to provide consent for graffiti removal by city.**

In the event the owner or manager of a property where graffiti has been found fails to provide consent for the city to enter upon his property for the purpose of removing graffiti in accordance with this article, the property owner shall remove the graffiti at his sole expense within seven days of receipt of notification by city of his obligation to do so.

GRAFFITI REMOVAL PROGRAM

NOTICE TO PRIVATE PROPERTY OWNER

Pursuant to SLTCC 17-82, you were notified that the chief of police or his designee found graffiti on your property and requested that you provide the city with a Consent to Enter and Release of Liability to allow the city to remove said graffiti.

As a result of your failure to provide such Consent to Enter and Release of Liability, you are required to remove the graffiti found on your property within seven days of the date of this notice. Such removal shall be at your sole expense, and the city shall not be deemed responsible for reimbursement of any expenses you may incur in the removal of graffiti.

Your failure to remove the graffiti within the mandatory seven-day period will result in

the commencement of a summary abatement process, which could result in removal of the graffiti by the city, with all costs of the abatement assessed through a lien against your property. In addition, a \$100.00 per day administrative penalty may be imposed for each day the graffiti remains beyond the seven-day mandatory removal period

\_\_\_\_\_  
Dated            Police Chief or his Designee

**GRAFFITI REMOVAL PROGRAM**

**NOTICE TO  
MANAGER OF PUBLIC PROPERTY**

You are hereby notified that graffiti has been found at the property located at \_\_\_\_\_.

Your failure to remove the graffiti within the mandatory seven-day period will result in the commencement of a summary abatement process, which could result in removal of the graffiti by the city, with all costs of the abatement billed to your agency. In addition, a \$100.00 per day administrative penalty may be imposed for each day the graffiti remains beyond the seven-day mandatory removal period.

\_\_\_\_\_  
Dated            Police Chief or his Designee

(Ord. 774)

**§ 17-84. Failure to remove graffiti – Abatement process – \$100.00 per day administrative penalty.**

Failure of the property owner to remove graffiti within the mandatory seven-day period shall result in the city’s commencement of a summary abatement process. The property owner shall be provided with 72 hours’ notice prior to the administrative hearing required for such proceedings.

The administrative hearing officer shall have the authority to impose an administrative penalty of \$100.00 per day for each day the graffiti remains beyond the mandatory seven-day removal period. Whenever such penalties are imposed, a lien shall

be placed against the property, and shall remain in effect until all penalties and/or costs of any necessary nuisance abatement activities are paid in full.

All other aspects of such nuisance abatement process shall be carried out in conformance with Chapter 17, Division 2 of the South Lake Tahoe City Code. (Ord. 774)

**Article VI. Nuisances Consisting of Abandoned or Substantially Damaged Nondwelling Structures**

**§ 17-85. Recitals.**

The existence of abandoned or substantially damaged nondwelling structures, as defined herein, is considered an attractive nuisance, as such structures are found to constitute neighborhood blight and deterioration in the community. Further, these structures represent a significant safety hazard to the surrounding neighborhood and the community as they attract children and others to the dangerous condition of the abandoned or substantially damaged structures. (Ord. 814 § 1)

**§ 17-86. Definitions.**

A. “Abandoned or substantially damaged nondwelling structure” means a structure without legally established utility hookups which meets any of the following:

1. Whenever the building or structure has been so damaged by fire, wind, earthquake, snow, flood, or has otherwise become so dilapidated or deteriorated as to become:

- a. An attractive nuisance to children; or
- b. A harbor for vagrants; or as to
- c. Enable persons to resort thereto or loiter therein for the purpose of committing unlawful acts; or

2. Whenever any structure is in such a condition as to constitute a public nuisance in any manner, under any provision of law or in equity; or

3. Whenever any portion of a structure remains on a site after the demolition or destruction of the structure or whenever any structure is abandoned for a period in excess of 180 days so as to constitute such structure or portion thereof a public or attractive nuisance or hazard to the public.

B. “Nondwelling unit” means a structure not designed or intended to be used for occupancy for living and sleeping purposes. (Ord. 814 § 1)

**§ 17-87. Remedies.**

Upon inspection and evaluation by a three person team as to whether the structure is considered an abandoned or substantially damaged nondwelling unit, as defined in this article, the building official will make the final determination concerning the status of the structure at issue and will recommend in written form to the zoning administrator whether to initiate the standard nuisance abatement proceeding pursuant to this chapter. The zoning administrator may then require the demolition of said structure. Depending on any extenuating circumstances, the zoning administrator may order the structure be made immediately secure until demolition occurs. Should the property owner fail to comply with the zoning administrator's decision for abatement, the abatement shall be completed by city. Abatement costs, plus overhead, shall be completed in the form of a lien or in any other manner authorized by law. (Ord. 814 § 1)

**§ 17-88. Authority not exclusive.**

The authority conferred by this chapter is not exclusive. Dwelling unit buildings and/or structures which may meet the criteria for abandonment pursuant to the Uniform Building Code and other applicable provisions of state law are addressed in Chapter 8 SLTCC and abatement of such structures shall be administered by the city building department. (Ord. 814 § 1)

**Article VII. Nuisances Consisting of Abandoned or Substantially Damaged Dwelling Structures****§ 17-89. Findings and purpose.**

The city of South Lake Tahoe finds it is a responsibility of property ownership, whether a local or an out of town resident, to prevent their property from becoming a burden to the neighborhood and community as well as a threat to the public health, safety or welfare. This finding is based on the following:

A. Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the upkeep of the building.

B. Vacant or boarded buildings often attract transients and criminals, including drug users. Use of such buildings by transients and criminals, who

may employ primitive cooking or heating methods, creates a risk of fire for the building and adjacent properties.

C. Vacant or boarded properties are often used as dumping grounds for junk, debris, and abandoned vehicles and are often overgrown with weeds and other vegetation.

D. Vacant buildings that are boarded up to prevent entry by transients and other long term vacancies discourage economic development and retard appreciation of property values.

E. Seasonal occupancy and out of town ownership frequently account for a majority of nuisances involving vacant or boarded buildings which are also often substandard or unkept, thus constituting public nuisances.

The purpose of this article, therefore, is to monitor these vacant and boarded buildings and require their upkeep and ongoing maintenance so that they do not become or continue to be attractive nuisances, are not used by trespassers, are properly maintained and do not become a blighting influence in the neighborhood. City departments involved in such monitoring include the police department, the fire department, the public works department, and the planning department. (Ord. 879 § 1)

**§ 17-90. Definitions.**

1. "Abandoned building" means a structure which has been vacated as evidenced by discontinuance of utility service and/or unmaintained, or is uninhabitable as deemed by the building official or code enforcement officer.

2. "Blight" means anything that destroys or prevents economic growth, or causes devaluation of a building or structure.

3. "Boarded building" means a structure which has been covered or closed with boards or similar material to deter entrance or secure for a specific reason or purpose.

4. "Building" means any structure as to which government agencies have regulatory power, used or intended for supporting or sheltering any use or occupancy (designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind).

5. "Damaged/destroyed" means buildings damaged or destroyed by fire or other similar calamity and determined to be uninhabitable by the city of South Lake Tahoe or other federal or state agency.

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6. “Derelict” means an abandoned structure or other development, including foundations. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability or ability to function in the applicable use category which causes loss of development rights as determined by Tahoe Regional Planning Agency.

7. “Dwelling” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

8. “Maintenance” is the ordinary maintenance and repair, which is the upkeep, or preservation of the condition of a building both inside and out in order to keep the existing structure in a safe condition, orderly appearance and to prevent corrosion or deterioration caused by weather, age or other conditions.

9. “Multiple-family dwelling” means more than one residential dwelling unit located on a single parcel and used exclusively for residence purposes. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building.

10. “Occupancy” is the purpose for which a building, or part thereof, is used or intended to be used.

11. “Owner” means any person, agent, firm or corporation having a legal or equitable interest in the property.

12. “Parcel” means an area of land or in the case of a condominium, separate space, for which boundaries have been established by some legal instrument such as a recorded map or recorded deed and which is recognized as a separate legal entity for purpose of transfer of title.

13. “Permit” means an official document or certificate issued by the building official authorizing performance of a specified activity.

14. “Rehabilitation” means upgrading existing facilities by repair, reconstruction, or modification.

15. “Repair” means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

16. “Residential” means uses, facilities and activities primarily pertaining to the occupation of buildings on a permanent basis for living, cooking, and sleeping.

17. “Residential unit” means one or more rooms which may include one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent house-keeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

18. “Shall” as used in this code is mandatory.

19. “Single-family dwelling” means one residential dwelling unit located on a parcel used exclusively for residence purposes. A single-family dwelling unit may be contained in a detached building such as a single-family house.

20. “Site” means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

21. “Structural repairs” means repairs to those elements of a structure that affect the bearing capacity of the structure including without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete.

22. “Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground.

23. “Uninhabitable structure” means a building, structure or other development determined by the building official to be unfit or unsafe for occupancy.

24. “Utility” means a public or quasi-public entity which provides gas, water, electricity, cable TV, telephone or similar services.

25. “Vacant building” means a structure with no occupant(s), and/or furnishings and may or may not be boarded up.

26. “Vacant parcel” means a parcel which is undeveloped or unimproved and has no established use. (Ord. 879 § 1)

### § 17-91. Penalties.

A. The owner(s) of any boarded building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the city,

shall cause the boarded building to be rehabilitated for occupancy within 90 days after written notification by the city.

B. No person shall allow a building designed for human use or occupancy to stand vacant for more than 90 days, unless one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

2. The building meets all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, rent, or used as a second home.

3. The code enforcement officer or his/her designee determines that the building does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:

a. Maintenance of landscaping and plant materials in good condition.

b. Maintenance of the exterior of the building, including but not limited to paint and finishes, in good condition.

c. Regular removal of all exterior trash, debris, and graffiti.

d. Maintenance of the building in continuing compliance with all applicable codes and regulations.

e. Prevention of criminal activity on the premises, including but not limited to use and sale of controlled substances, prostitution and criminal street gang activity.

C. Any owner of a boarded building which remains boarded in violation of this section, or any owner of a building which remains vacant in violation of this section, shall be liable for an administrative penalty in the amount of \$1,000 per building for the first violation. A second or subsequent administrative penalty shall be imposed upon any owner pursuant to this chapter if the building remains in violation of this chapter 90 days following the imposition of the first administrative penalty. Additional penalties may be imposed in each 90-day period following the imposition of an administrative penalty under this chapter. Additional penalties may be imposed so long as the vio-

lations continue. A second and any subsequent penalty shall be in the amount of \$5,000. (Ord. 879 § 1)

**§ 17-92. Inspection of premises.**

Each party shall have the right to rebut or explain the matters so stated by the zoning administrator either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

A. The zoning administrator may, with the owner's consent, inspect the buildings and premises involved in the hearing prior to, during, or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;

2. The parties are given an opportunity to be present during the inspection; and

3. The zoning administrator shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.

B. An inspection warrant or the owner(s)' consent to inspect the building and surrounding properties is required unless such inspection can be made from areas in which the general public has access or with permission of other persons authorized to provide access to the property on which the building is located. (Ord. 879 § 1)

**§ 17-93. Administrative penalty procedure.**

An administrative penalty shall be imposed by the designated zoning administrator upon the recommendation of the planning department staff and after the owner shall have been afforded a hearing. The hearing shall be conducted in accord with the provisions of SLTCC 17-94.

The administrative penalty shall be due and payable within 30 days after the decision of the zoning administrator. If the penalty is not paid within 45 days after the decision of the zoning administrator, the city council may thereupon order that the penalty be a personal obligation of the property owner or that it be specially assessed against the property involved. If the city council orders that the penalty be specially assessed against the property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are

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collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

The city council may also cause a notice of lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor the property and set forth the last known address of the record owner or possessor, the date on which the penalty was imposed by the zoning administrator, a description of the real property subject to the lien, and the amount of the penalty.

A. If it is shown by a preponderance of the evidence that the owner has violated a provision of this section, then the zoning administrator shall impose an administrative penalty pursuant to SLTCC 17-91 with the property owner to pay all the costs incurred. The zoning administrator may also refer this matter to the building official if further proceedings are required.

B. The decision of the zoning administrator shall be in writing, via certified mail and shall contain findings of fact and a determination of the issues presented. The decision shall inform the owner that if the administrative penalty is imposed and is not paid within the time specified, then it may be made a personal obligation of the owner, and a lien may be levied on the property for the amount of the penalty assessed and/or costs involved.

**§ 17-94. Commencement of proceedings.**

Whenever the code enforcement officer or his/her designee has inspected or caused to be inspected any building and has found and determined that such premises are in violation of this code, he/she shall commence proceedings for collection/assessment of an administrative penalty as provided in SLTCC 17-91.

A. Hearing Notice. The code enforcement officer or his/her designee shall issue a notice directed to the record owner of the premises, the holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in the premises. The notice shall contain:

1. The street address and such other description as is required to identify the premises.

2. A statement specifying the conditions which constitute a violation of this code.

3. An order to the owner to appear before the zoning administrator at a stated time, but in no event less than 20 calendar days after having mailed such notice, to justify why an administrative penalty should not be assessed in accordance with this code.

4. A statement advising the owner that he/she has the option of voluntarily correcting the condition(s) which violate the provisions of this code prior to the date set for hearing. If the owner chooses to correct the conditions, the corrections must be completed prior to the hearing date. The owner must advise the code enforcement officer in writing that he/she will correct the conditions and the date of completion. The code enforcement officer or his/her designee will inspect the premises on the completion date, and if the conditions have been corrected, the hearing will be taken off calendar. The owner may request a continuance of the hearing in order to comply, but in no event shall the continuance exceed 30 days.

B. The hearing notice, and any amended or supplemental notice, shall be served either by personal delivery or by certified return receipt mailing upon the record owner at his/her address as it appears on the latest assessment roll of El Dorado County, or as known to the code enforcement officer. A copy of the notice and any amended or supplemental notice shall also be posted on the building. Return of certified mail as refused or undeliverable shall be deemed proof of service.

C. At the time set for hearing, the zoning administrator shall proceed to hear the testimony of the code enforcement officer or his/her designee, the owner, and other competent persons respecting the condition of the building and other relevant facts concerning the matter. The zoning administrator may, upon request of the owner of the premises or upon request of the code enforcement officer or his/her designee, grant continuances from time to time for good cause shown, or upon his own motion.

**§ 17-95. Collection of administrative penalty.**

A. Any administrative penalty imposed on the owner(s) may, in addition to making it an assessment and a lien on the property, be collected in the same manner as any contractual obligation. In the event a civil action is commenced in order to col-

lect the administrative penalty, the city of South Lake Tahoe shall be entitled to recover reasonable attorney's fees and all costs associated with collection of the penalty. Costs include, but are not limited to, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure Section 1033.5.

B. An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing on the forty-sixth day following service of the zoning administrator's decision. (Ord. 879 § 1)

