



Agenda Date: 10/10/2006
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director, 253-4805
SUBJECT: "Sloppy Property" Ordinance

RECOMMENDATION

Director of Conservation, Development and Planning requests first reading and intention to adopt an ordinance adding Section 1.20.22 to Chapter 1.20 of the County Code declaring substandard property maintenance as a public nuisance and specifying situations that would meet the definition of a public nuisance.

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 21: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act because it constitutes a clarification or amplification of code enforcement responsibilities, and code enforcement activities are themselves exempt from review. [See Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15321.]

EXECUTIVE SUMMARY

The proposed ordinance would amend Chapter 1.20 (Nuisance Abatement and Criminal Penalties for Code Violations) of the Napa County Code to define substandard property maintenance as a public nuisance, and to list types of activities that would fall under this definition. Examples include overgrown vegetation constituting a fire hazard, an accumulation of rubbish, scrap materials, vehicle parts, hazardous excavations, and structures which are unsafe.

The intent of this ordinance is to provide an additional tool to the County departments responsible for code enforcement (i.e. Planning, Building, Fire, and Environmental Management). County staff often receives complaints regarding distressed properties, and this ordinance would increase the staff's likelihood of success in working with property owners to resolve these situations.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: **Categorical Exemption Class 21:** It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act because it constitutes a clarification or amplification of code enforcement responsibilities, and code enforcement activities are themselves exempt from review. [See Class 21 (“Enforcement Actions by Regulatory Agencies”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15321.]

BACKGROUND AND DISCUSSION

At their joint meeting in May of 2006, the Planning Commission and the Board of Supervisors requested staff and County Counsel to consider whether there were additional tools that could be brought to bear to improve the effectiveness of the County's code enforcement program. The proposed ordinance is a result of that consideration, and by formally delineating substandard property maintenance (with specific examples) as a public nuisance, would make it easier for staff to pursue abatement of these situations.

The new ordinance will primarily be used to supplement existing code sections when outlining violations associated with a specific property. For example, in the last several months, staff of the Planning, Building, Environmental Management, and Fire departments have investigated code violations at a property on Glass Mountain Road. Potential violations have included illegal occupation of an unsafe structure as a dwelling, operation of a landscaping business in a residential area, and accumulation of flammable materials. The new ordinance would also allow staff to identify as violations the substantial accumulation of nonoperable machinery on site, and the presence of overgrown vegetation.

While the direct effect of the proposed ordinance would be to give County staff an additional tool to aid their code enforcement efforts, the indirect effect would be an increased expectation by property owners and others in the vicinity of overgrown and poorly maintained properties that these nuisances would be taken care of.

SUPPORTING DOCUMENTS

- A . Draft Ordinance: Substandard Property Maintenance as a Public Nuisance
- B . Draft Ordinance (Clean Copy): Substandard Property Maintenance

CEO Recommendation: Approve

Reviewed By: Andrew Carey