

MOTION

There are some communities in the City that have longstanding issues associated with unabated nuisance properties, which create blight and crime and adversely affect the public's health, peace and safety of persons residing or working in the premises and surrounding area.

Section 12.27.1 of the Municipal Code, *Administrative Nuisance Abatement Proceedings*, allows the Director of Planning **to modify, discontinue, or revoke any use that has resulted in repeated nuisance activities** (e.g. illegal drug activity, prostitution, public drunkenness, lewd conduct, or police detentions and arrests). As such, through the City's land use regulatory controls community members are protected through the maintenance of the public peace, health, and safety of persons living or working in communities throughout the City.

The Department of Building and Safety (LADBS) enforces the nuisance abatement provisions of the Municipal Code, and per **Municipal Code Section 91.8906 (*Repair and Demolition Fund*)**, this Fund is an eligible funding source **wherein the LADBS makes the declaration of public nuisance**, and thereby **authorizes LADBS to take the following actions:**

'repair, secure, clean or demolish any building, structure, or portion of a building, structure or any premises, all costs incurred.....shall be a personal obligation against the property owner or responsible interested parties in charge or control of the property, recoverable by the City in an action before any court of competent jurisdiction.'

Currently, the **Repair and Demolition Fund is *only* eligible for actions wherein LADBS makes the declaration of public nuisance**. However, when the Council and/or the Planning Department makes a public nuisance declaration using other sections of the Municipal Code, such as but not limited to, Section 91.9003 (*Abatement Procedures*), the Fund is not eligible, and LADBS cannot directly charge property owners to recover costs.

I THEREFORE MOVE that the Council request the City Attorney, with the assistance of the Planning Department, City Administrative Officer, and Department of Building and Safety, to prepare and present an ordinance to amend Municipal Code Section 91.8906 (*Repair and Demolition Fund*), as an eligible funding source when the Council and Planning Department make public nuisance declarations.

PRESENTED BY:


MARQUEECE HARRIS DAWSON
Councilmember, 8th District

SECONDED BY:



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