

City of Carlsbad, CA
Thursday, January 15, 2026

Title 6. Health and Sanitation

Chapter 6.16. PUBLIC NUISANCES AND PROPERTY MAINTENANCE

Article II. Summary Abatement

§ 6.16.210. General.

A nuisance may be summarily abated without notice, hearing, or a warrant when immediate action is necessary to preserve or protect the public health and safety. Summary abatement actions are not subject to all of the requirements of Article I of this chapter, but instead shall be subject to the following requirements.

(Ord. CS-385 § 2, 2020)

§ 6.16.220. Determination of summary abatement.

- A. The City Manager or designee shall make a determination that a public nuisance exists that poses an immediate risk to the health, safety, or welfare of the public, persons in the city, or the environment.
- B. Whenever possible, the city shall attempt to contact the responsible party and property owner, as defined in Section **1.10.010**, to request abatement of the nuisance prior to the city proceeding with summary abatement. If the responsible party and property owner are not available, or are incapable, or unwilling to abate the nuisance, the city may proceed with summary abatement using the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard.
- C. Notwithstanding the requirement in subsection **B**, the City Manager or designee may exercise the following powers without prior notice to the responsible party and property owner:
 1. Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed.
 2. Post the premises as unsafe, substandard, or dangerous.
 3. Board, fence, or secure the building or site.
 4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public.
 5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard.
 6. Take any other action as reasonably appropriate under the circumstances of an immediate hazard.

7. Exercise any of the summary abatement powers listed in this subsection to remove items placed or stored on city property, sidewalks, or public rights-of-way.
 8. Pursue any administrative or judicial remedy to abate any remaining public nuisance.
- (Ord. CS-385 § 2, 2020)

§ 6.16.230. Summary abatement cost report.

- A. The City Manager or designee shall maintain the following records and shall prepare a report of summary abatement that contains the following:
 1. A description of the time, duration, type, and extent of the nuisance;
 2. An evaluation of the risks to the health, safety, and welfare of the public and/or the environment caused by allowing the nuisance to continue;
 3. Steps taken to contact the responsible party and property owner;
 4. All costs associated with the investigation and summary abatement of the nuisance, including the costs of personnel, equipment, facilities, materials, and other external resources.
- B. Within 10 business days after the determination is made by the City Manager or designee to summarily abate the nuisance, a notice of determination and a copy of the report of summary abatement shall be served on the responsible party, the owner of record of the parcel of land where the nuisance originated, and all persons known to have any legal interest in the property. The city may charge the responsible party or the property owner with the full costs of investigation and summary abatement of the nuisance.

(Ord. CS-385 § 2, 2020)

§ 6.16.240. Summary abatement hearing.

- A. A hearing to assess abatement costs and affirm whether immediate action was necessary to preserve or protect the health, safety, and/or welfare of the public, persons in the city and/or the environment shall be conducted before the City Council at the request of the responsible party and/or the property owner.
- B. The responsible party and/or the property owner must file a written request for a hearing with the City Clerk within 30 calendar days of receipt of the notice of determination and report of summary abatement.
- C. The hearing shall be scheduled before the City Council within 60 calendar days of receipt of the request for a hearing.
- D. Within 30 calendar days of receipt of the notice of determination and the report of summary abatement, and at least 30 calendar days prior to the scheduled hearing date, the responsible party and/or property owner may file a request with the City Clerk for any and all evidence and objections regarding the need for summary abatement and/or the abatement costs.
- E. The hearing and consideration may be continued from time to time and upon its conclusion, the City Council shall, by resolution:
 1. Determine whether the nuisance posed an immediate risk to the health, safety, or welfare of the public, persons in the city, and/or the environment.
 2. Determine whether the responsible party was unavailable, incapable, and/or unwilling to abate the nuisance.
 3. Determine the correct abatement cost.

4. If necessary, modify the report of summary abatement to conform to such findings as indicated above.
5. Confirm the report of summary abatement as presented or modified.
6. State the date of the summary abatement order.
7. Determine and state the correct legal description of the subject property, the correct county assessor's parcel number, the street address, and the name and address of the recorded owner based on the last equalized assessment roll or the supplemental roll, whichever is more current.

F. The decision of the City Council shall be final.
(Ord. CS-385 § 2, 2020)

§ 6.16.250. Collection of cost of summary abatement.

In addition to any other applicable procedures, the cost of summary abatement may be collected in accordance with Section **6.16.170** or become a lien or special assessment against the property in accordance with Section **6.16.160**.

(Ord. CS-385 § 2, 2020)