

ORDINANCE NO. 878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA AMENDING CHAPTER 6 OF TITLE 7 OF THE COALINGA MUNICIPAL CODE RELATING TO SUMMARY ABATEMENT OF PUBLIC NUISANCES

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1. Article 4 of Title 7 of the Coalinga Municipal Code is hereby amended to read as follows:

“Article 4. – Summary abatement”

Section 2. Section 7-6.401 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.401 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 3 of this chapter, but instead shall be subject to the following requirements.

Section 3. Section 7-6.402 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.402 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 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.

Section 4. Section 7-6.403 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.403 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 ten (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.

Section 5. Section 7-6.404 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.404 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 thirty (30) calendar days of the receipt of the notice of determination and report of summary abatement.
- C. The hearing shall be scheduled before the City Council within sixty (60) calendar days of receipt of the request for a hearing.
- D. Within thirty (30) calendar days of receipt of the notice of determination and the report of summary abatement, and at least thirty (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 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 record 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.

Section 6.

Section 7-6.405 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.405 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 7-6.304 or become a lien or special assessment against the property in accordance with Section 7-6.305.

Section 7. Article 5 of Title 7 of the Coalinga Municipal Code is hereby amended to read as follows:

“Article 5. – Penalties”

Section 8. Section 7-6.501 of the Coalinga Municipal Code is hereby amended to read as follows:

Section 7-6.501 Civil fines.

Any person who violates any of the provisions of this chapter or any of the provisions of any written authority issued by the Director of Public Works, or his designee, shall be liable for a civil penalty of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), per day for each and every day, or any part thereof, during which any such violation is committed, continued or permitted, which shall be assessed and recovered in a civil action brought in the name of the City.

In any civil action commenced by the City under this chapter, the City shall be entitled to recover from the defendant in any such action reasonable attorney's fees and costs of suit.

Section 9. Section 7-6.502 is hereby added to Article 5 of Title 7 of the Coalinga Municipal Code to read as follows:

Section 7-6.502 Infraction/misdemeanor.

Any person who violates any of the provisions of this chapter or any of the provisions of any written authority issued by the Director of Public Works, or his designee, shall be guilty of an infraction/misdemeanor. Each and every day, or any part thereof, during which any such violation is committed, continued or permitted, shall be a separate offense.

Section 10. Section 7-6.503 is hereby added to Article 5 of Title 7 of the Coalinga Municipal Code to read as follows:

Section 7-6.503 Prosecution.

Every violation of this chapter shall be a misdemeanor; provided, however, that where the City Attorney has determined that such action would be in the best interests of justice, the City Attorney may specify in the accusatory pleading that the violation shall be prosecuted as an infraction.

Section 11. Section 7-6.504 is hereby added to Article 5 of Title 7 of the Coalinga Municipal Code to read as follows:

Section 7-6.504 Penalty for infraction.

Each and every violation of this chapter which is deemed an infraction is punishable by:

- (a) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
- (b) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within a one-year period; or
- (c) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this chapter within a one-year period of the first violation.

Section 12. Section 7-6.505 is hereby added to Article 5 of Title 7 of the Coalinga Municipal Code to read as follows:

Section 7-6.505 Penalty for misdemeanor.

Each and every violation of this chapter which is deemed a misdemeanor is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the City or County jail for a period of not exceeding six (6) months, or by both fine and imprisonment.

Section 13. Article 6 of Title 7 is hereby added to the Coalinga Municipal Code to read as follows:

“Article 6. – Severability”

Section 14. Section 7-6.601 is hereby added to Article 6 of Title 7 of the Coalinga Municipal Code to read as follows:

Section 7-6.601 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared severable.

Section 15. This ordinance shall take effect thirty (30) days after its adoption.

Section 16. The City Clerk is authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Coalinga, within fifteen (15) days after its adoption. If a summary of this ordinance is to be published, then the City Clerk

shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which the ordinance is adopted, and also shall cause a certified copy of the full text of the adopted ordinance to be posted in the office of the City Clerk after the meeting at which the ordinance is adopted. The summaries shall be approved by the City Attorney.

* * * *

The foregoing ordinance was introduced by the City Council of the City of Coalinga, California, at a regular meeting held on April 2, 2026, and was passed and adopted by the City Council on April 16, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor

ATTEST:

City Clerk/Deputy City Clerk