

ORDINANCE NO. 268-2023

**AN ORDINANCE AMENDING CHAPTER X, SECTION 10-1.12 OF THE CLEARLAKE MUNICIPAL CODE
RELATED TO METHOD OF SERVICE FOR PROPERTY MAINTENANCE, NUISANCE AND VEHICLE
ABATEMENT**

WHEREAS, the City strives to continually update its municipal code in order to align with best practices and to be internally consistent;

WHEREAS, staff determined there were procedural inconsistencies with the City's Method Service as outlined in Sections 1-9 and 10-1.12, primarily related to servicing notices via certified mail. The modification would provide that only the final abatement notice is sent certified mail; and

NOW, THEREFORE, the City Council of the City of Clearlake, State of California does ordain as follows:

SECTION 1. Findings.

- A. The above recitals are declared to be true and correct findings of the City Council of the City of Clearlake.

SECTION 10-1.12.

Chapter X, Section 10-1.12, is hereby repealed as replaced as follows:

Section 10-1.12 – Method of Service

a. All notices and orders provided for in this Chapter shall be served upon the violator or property owners by an officer or employee of the city using one of the following methods:

1. *Personal Service.* Personally serve the notice or order on the person responsible for the violation. The notice or order shall be deemed given on the date of personal service.

2. *Mail.* Mail the notice or order by first class mail. Service shall be deemed effective on the date of mailing.

(a) If the notice or order is being mailed to the property owner, the notice or order shall be sent to the last known business or residential address for such party as shown on the county's last property tax assessment roll or to or to any other address known for the owner. The notice or order shall be deemed given on the date of deposit in the mail.

(b) If the violator is the tenant or other possessor of property, the notice or order shall be mailed to the property address or any other address known for the party,

3. *Posting.* Post a copy of the notice or order in a conspicuous place on the property where the violation occurred. The City shall additionally mail a copy of the notice or order by first class mail to the property owner pursuant to paragraph 2 above. The notice or order shall be deemed given on the date it is posted on the property.

b. The failure of any person to receive actual notice required under this Chapter shall not affect the validity of any proceedings taken under this Chapter.

c. Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by the affidavit or declaration of any person over the age of eighteen (18) years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 16th day of February, 2023, by the following vote:

AYES: Mayor Perdock, Vice Mayor Claffey, Councilmembers Overton, Cremer and Slooten

NOES: None

ABSTAIN: None

ABSENT: None

FINAL PASSAGE AND ADOPTION by the City Council of Clearlake occurred at a meeting thereof held on the ___ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Russell Perdock, Mayor

ATTEST:

Melissa Swanson, City Clerk
City of Clearlake