

RESOLUTION NO. 2022-67

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
CONFIRMING A REPORT FOR NONPAYMENT OF ADMINISTRATIVE FINES
AND ABATEMENT COSTS AND ORDERING THE ASSESSMENT OF SUCH
COSTS — 905 WEST MAIN STREET**

WHEREAS, section 38773.5 of the Government Code authorizes the City to adopt procedures for imposing a special assessment for the costs it incurs to abate a nuisance on a parcel of land; and

WHEREAS, section 54988 of the Government Code authorizes the City to collect unpaid fees and penalties for enforcement of the municipal code and for abatement of nuisances; and

WHEREAS, any violation of the municipal code constitutes a public nuisance under Grass Valley Municipal Code section 1.10.040, which is subject to abatement via administrative enforcement procedures under Chapter 1.14 of the Municipal Code; and

WHEREAS, section 36901 of the Government Code authorizes the City to establish and impose fines and penalties for violations of the Municipal Code; and

WHEREAS, section 53069.4 of the Government Code authorizes the City to establish procedures to impose, enforce and collect administrative fines and penalties for enforcement of the Municipal Code; and

WHEREAS, Grass Valley Municipal Code chapter 1.14, including sections 1.14.040 through 1.14.080, and 1.14.140 through 1.14.160 provide the procedures for determining fines, penalties and costs associated with abatement, including notice and hearing on such fines, penalties, and costs, and authorize the collection of outstanding fines and costs as a special assessment; and

WHEREAS, the City served responsible party as to 905 West Main Street (APN 029-010-009) a Notice of Code Violation/Administrative Citations on the following dates for fines and penalties in the following amounts: September 22, 2021 (\$500), November 19, 2021 (\$500), April 11, (\$2,000), 15 (\$2,000), 19 (\$1,000) and 28 (\$3,500), 2022, informing him that if the fines and penalties were not timely paid, each amount may become a special assessment on the property under the procedures of the Municipal Code; and

WHEREAS, each notice of violation and imposition of fines informed the responsible party that he had a right to appeal and failure to do so would waive his right to challenge the amount or imposition of fines and penalties; and

WHEREAS, the responsible party did not timely request an appeal of these fines and they became final and payable 30 days after imposition; and

WHEREAS, as of this date, none of the fines and penalties set forth in the Notices of Code Violation/Administrative Citations have been paid, and they are therefore subject to collection on the tax roll; and

WHEREAS, due to the responsible party's failure to timely correct the violations, the City has incurred additional costs in the amount of \$3,630 for work performed in association with enforcement of the violations of the Municipal Code that constitute a nuisance and are identified in the cost report submitted to the City Council, which is attached hereto and incorporated by reference, and a copy of which is on file in the City Clerk's office; and

WHEREAS, notice of a public hearing for non-payment of administrative penalties assessment for tax roll, which specified that the property may be sold after three years by the City for unpaid delinquent assessments, and a copy of the cost report was served upon all persons and entities with a property interest in the subject property, by certified mail on July 27, 2022, and copies were mailed to all addresses used by the responsible person; and

WHEREAS, on August 9, 2022, the City Council held a noticed public hearing on the cost report and on the imposition of unpaid fines and costs as a special assessment on the parcel of real property located at 905 West Main Street (APN 029-010-009) and has given the responsible person and owner of the property an opportunity to raise objections to the cost report and imposition of a special assessment; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Grass Valley as follows:

SECTION 1: The foregoing recitals are each true and correct and incorporated herein by this reference.

SECTION 2: The City Council overrules any objections and confirms the cost report as submitted.

SECTION 3: The City Council confirms the assessment of \$9,500 for unpaid fines and penalties and \$3,630 for costs for a total assessment of \$13,130 against the parcel at 905 West Main St. (APN 029-010-009), and orders that the assessment be transmitted to the County of Nevada for collection at the same time and in the same manner as ordinary municipal taxes, provided that the delinquent amounts are not paid as of the date that this Resolution is adopted.

SECTION 4: The City Clerk is directed to record in the office of the County Recorder notice of this order confirming the assessment.

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 9th day of August 2022 by the following vote:

AYES: Council Member
NOES: Council Member
ABSENT: Council Member
ABSTAINING: Council Member

Ben Aguilar, Mayor

APPROVED AS TO FORM:

ATTEST:

Taylor Day, Deputy City Clerk

Michael G. Colantuono, City Attorney