

CITY OF WHEATLAND  
111 C Street, Wheatland, California 95692

IN THE ADMINISTRATIVE REVIEW OF  
CITY OF WHEATLAND MUNICIPAL CODE VIOLATIONS

CITY OF WHEATLAND

v.

MARK ALLEN; and,  
THE JAMES ALLEN TRUST

Subject Property:  
408 Second Street  
Wheatland, CA 95692  
APN:015-243-0004

HEARING OFFICER'S DECISION  
REGARDING MUNICIPAL CODE  
VIOLATIONS:  
8.08.040(A)1; 8.08.040(A)1(a);  
8.08.040(A)1(b); 8.08.040(A)3; 8.08.040(A)4;  
8.08.040(8)2; 8.08.040(B)2(a)

HEARING DATE: January 27, 2025

APPEARANCES

FOR THE CITY:

Gavin Ralphs, SBN: 348020  
BKS Law Firm, PC  
1600 K Street, Suite 4A  
Sacramento, CA 95814

William Zenoni  
City of Wheatland's City Manager  
111 C Street  
Wheatland, CA 95692

FOR THE SUBJECT PROPERTY:

MARK ALLEN  
408 Second Street  
Wheatland, CA 95692

## **I. INTRODUCTION**

On January 27, 2025, and pursuant to the City of Wheatland's Municipal Code, an administrative hearing was held to determine whether the code violations identified in a Notice of Violation issued on December 26, 2024, constituted a nuisance. This hearing was recorded on an audio device.

The following parties were in attendance: The Hearing Officer: Angela Teter, Mayor of the City of Wheatland; The City of Wheatland ("City"): Bill Zenoni, City Manager and Gavin Ralphs, attorney for the City of Wheatland. Responsible Person and landowner: Mark Allen, representing himself, and on behalf of the James Allen Trust.

## **II. SUMMARY OF FACTS**

The City presented a request for abatement of the property located at 408 Second St in Wheatland CA, 95692 ("the Property"). In support of the request, the City provided documents prepared by the enforcement officer as evidence of the alleged nuisance and request for abatement.

Mark Allen presented oral testimony on behalf of the Property and is understood to be a responsible party within the meaning of the Code. Mr. Allen objected to the allegations and stated that he had fixed some, although he admitted not all, of the alleged violations. He did not present any other evidence to support his claims. Mr. Allen also stated that he does not believe the conditions at the Property constitute a nuisance.

## **III. HEARING OFFICER'S FINDINGS**

The City presented evidence that a nuisance at the property exists through the introduction of oral testimony, written correspondence, and photographs.

Mr. Allen presented oral testimony that he had taken action on *some* of the items on his property prior to the January 27, 2025, hearing. However, he presented no other evidence to support this claim. Mr. Allen also argued that the conditions of *some* portions of his property were not visible from the sidewalk, but Mr. Allen did not dispute that some of the evidence presented by the City showed conditions that are visible from the street. Mr. Allen's testimony that the conditions present on the Property do not constitute a nuisance was not persuasive or credible.

After considering and weighing all the evidence presented at the hearing, including Mr. Allen's testimony, the hearing officer finds that the City provided sufficient and credible evidence that established the existence of a nuisance including that:

- the Property conditions include the unlawful outdoor storage of objects that are unsightly and detrimental to the general public welfare, in violation of Wheatland Municipal Code Section 8.08.040 A.1(a).
- the conditions of the Property are dangerous and accessible to children or other members of the public, in violation of Wheatland Municipal Code Section 8.08.040 A.1(b).
- much of the fence surrounding the property is sagging, leaning, fallen, dilapidated or unsafe, in violation of Wheatland Municipal Code Section 8.08.040 A.4.
- the conditions of the property allow the accumulation of dirt, litter, trash, or debris, animal manure, dead organic matter, garbage, stagnant water, combustible materials, machinery, equipment, excessive dust, or similar materials or conditions
  - (i) that provide a likely habitat for vermin, insects or rodents of any kind, or [¶]
  - (iii) that constitute a fire, health or safety hazard or other danger to public health, safety or welfare, in violation of Municipal Code Section 8.08.040 B.2(a).

#### **IV. HEARING OFFICER'S DECISION AND ORDER TO ABATE**

On balance, the specific conditions at the Property identified in the preceding section meet the definition of a public nuisance under the City's Municipal Code. The City's request to abate is granted. Mr. Allen must abate the nuisance within twenty days of receipt of this Order by having such property, building(s) or structure(s) rehabilitated, repaired or demolished or the nuisance otherwise abated as described below. See Wheatland Municipal Code Section 8.08.120.

First, Mr. Allen must repair all sections of the fence that are sagging, leaning, fallen, dilapidated or unsafe. Simply propping the fence up with a board on the sidewalk is insufficient. Trash, debris, and other objects cannot be used in lieu of proper fencing materials.


Second, Mr. Allen must remove all debris, trash, and objects from above the fence line.

Third, Mr. Allen must remove all trash, litter, debris, stagnant water, combustible materials, machinery, equipment, or any other conditions that provide habitat for vermin, insects or rodents of any kind or that constitute a fire, health or safety hazard or other danger to public health, safety or welfare.

At the hearing, Mr. Allen requested the opportunity to meet with the Fire Chief regarding potential hazards at the Property. Nothing in this Decision prevents the responsible persons from scheduling such a meeting. However, any actions being undertaken by the Fire Chief are being taken under a separate administrative process subject to the separate authorities held by the Fire Authority. Thus, the scheduling of a meeting with the Fire Chief does not constitute an excuse or grounds for failing to comply with the Order to Abate.

Mr. Allen has the right to file an appeal to this decision within 10 days of service (not receipt) of this Order pursuant to Section 8.08.100 of the City's Municipal Code.

Dated: February 10, 2025

  
Angela Teter  
City of Wheatland Hearing Officer

CITY OF WHEATLAND

111 C Street, Wheatland, California 95692

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PROOF OF SERVICE RE HEARING  
OFFICER'S DECISION

APPEARANCES

FOR THE CITY:

Gavin Ralphs, SBN: 348020  
BKS Law Firm, PC  
1600 K Street, Suite 4A  
Sacramento, CA 95814

William Zenoni  
City of Wheatland's City Manager  
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FOR THE SUBJECT PROPERTY:

MARK ALLEN  
408 Second Street  
Wheatland, CA 95692

**PROOF OF SERVICE**

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action. My business address is 1600 K Street, Suite 4A, Sacramento, CA 95814.

On February 11, 2025, I served the documents listed below on all interested parties in this action by placing a true copy thereof to the address below:

- **HEARING OFFICER'S DECISION REGARDING MUNICIPAL CODE VIOLATIONS.**

☒ (Via Regular Mail) I enclosed the documents in a sealed envelope or package addressed to the person(s) at the address(es) set forth below. I deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Mark Allen  
408 2<sup>nd</sup> Street  
Wheatland, CA 95692

The James Allen Trust  
408 2<sup>nd</sup> Street  
Wheatland, CA 95692

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 11, 2025, at Sacramento, California.

  
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Maggie Foley