

**WHEATLAND PLANNING COMMISSION  
RESOLUTION NO. XX-25**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND  
ADOPTING AND CONFIRMING THE FINDINGS  
OF THE ADMINISTRATIVE HEARING OFFICER AND FINDING  
MUNICIPAL CODE VIOLATIONS THAT CONSTITUTE A NUISANCE  
ON THE PROPERTY**

**WHEREAS**, on December 26, 2024, the City of Wheatland issued a Notice of Violation asserting that certain conditions on the property located at 408 2<sup>nd</sup> Street (the "Property") constituted a nuisance in violation of the City's Municipal Code; and

**WHEREAS**, on January 27, 2025, pursuant to the City of Wheatland's Municipal Code, an administrative hearing was held to determine whether the conditions on the Property, as described in the Notice of Violation, constituted a nuisance, and Mark Allen appeared at the hearing as a Responsible Person for the subject Property and presented arguments in opposition to the Notice of Violation; and

**WHEREAS**, on February 10, 2025, following the completion of the hearing, the Administrative Hearing Officer issued an Order, which found that the conditions of the Property constituted a nuisance, and required Mr. Allen to abate the nuisance by having the property, building(s) or structure(s) that constitute the nuisance rehabilitated, repaired or demolished, or otherwise taking action to abate the nuisance, within twenty days of his receipt of the Order;

**WHEREAS**, a copy of the Order was served on Mr. Allen, and, on February 27, 2025, Mr. Allen filed an appeal of the Administrative Hearing Officer's decision; and

**WHEREAS**, on April 1, 2025, consistent with the applicable provisions of the Wheatland Municipal Code, the Planning Commission heard Mr. Allen's appeal and considered the Order, the evidence cited therein, and the arguments presented by Mr. Allen and by the City Manager and the Deputy City Attorney regarding the conditions on the Property; and

**WHEREAS**, following the conclusion of the hearing on April 1, 2025, the Planning Commission voted 4-0 to adopt and confirm the Order issued by the Administrative Hearing Officer, and directed staff to prepare a Resolution to that effect, consistent with Wheatland Municipal Code section 8.08.110;

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED** by the Planning Commission of the City of Wheatland that:

- A. The foregoing recitals are true and correct.
- B. The Planning Commission of the City of Wheatland hereby approves and confirms the Order of the Administrative Hearing Officer, a copy of which is attached hereto as Exhibit A.
- C. The property located at 408 2<sup>nd</sup> Street is declared to be a public nuisance and Mark Allen, as the Responsible Person, is ordered to abate the nuisance within twenty days by having such property, buildings or structures rehabilitated, repaired, demolished, or the nuisance

otherwise abated, in the manner and means specifically set forth in the Order to Abate Nuisance, a copy of which is attached hereto as Exhibit B.

- D. A copy of this Resolution and the Order to Abate Nuisance shall be served on Mr. Allen consistent with Sections 8.08.120 and 8.08.030 of the Wheatland Municipal Code.

**PASSED AND ADOPTED** by the Planning Commission of the City of Wheatland on this 29<sup>th</sup> day of April 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Clerk for the Commission

## **ORDER TO ABATE NUISANCE**

TO: MARK ALLEN, Responsible Person  
for the Property located at 408 2<sup>nd</sup> Street  
Wheatland, CA 95692

Following a hearing, the Planning Commission of the City of Wheatland has determined that the conditions of the Property constitute a nuisance, as set forth in the Administrative Hearing Officer's decision dated February 10, 2025.

The nuisance must be abated within twenty (20) days of receipt of this Order.

Specifically, consistent with Wheatland Municipal Code Section 8.08.120, the following actions must be taken:

1. 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.
2. Remove all debris, trash, and objects visible from above the fence line.
3. 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.

Under Section 8.08.120 of the Wheatland Municipal Code, you have the right, at your own expense, to abate the nuisance, provided the abatement is commenced within twenty (20) days of the date of this Order and you thereafter diligently and continuously proceed until the abatement is completed to the satisfaction of the City Manager.

Under Section 8.08.130 of the Wheatland Municipal Code, if you do not act to abate the nuisance as set forth above, then the City may take action to abate the nuisance. If the City takes action to abate the nuisance, the City may recover its abatement costs, including its attorneys' fees, from you as the Responsible Person. See Wheatland Municipal Code § 8.08.150.