

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BAKERSFIELD ADDING CHAPTER 8.85 TO TITLE 8 OF THE
BAKERSFIELD MUNICIPAL CODE.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Title 8 of the Bakersfield Municipal Code is hereby amended to add Chapter 8.85 to the Bakersfield Municipal Code as follows:

**Title 8
HEALTH AND SAFETY**

Chapters:

- **8.04 Transfer of Health Functions**
- **8.08 Milk**
- **8.12 Meat and Fish Peddlers**
- **8.16 Ice Cream Trucks**
- **8.24 Termite-Infested Wood**
- **8.27 Property Maintenance**
- **8.28 Weeds and Debris**
- **8.29 Litter Control**
- **8.30 Distribution of Printed Matter to Residential Property**
- **8.31 Placement of Advertising Materials on Private Motor Vehicles**
- **8.32 Solid Waste/Recyclable Materials/Organic Waste**
- **8.34 Industrial Stormwater**
- **8.35 Stormwater System**
- **8.36 Irrigation Canals**
- **8.38 Groundwater Recharge Basins Operation of Motorized Watercraft Prohibited**
- **8.40 Smoke Abatement**
- **8.44 Fireworks**
- **8.48 Electrical Appliances**
- **8.52 Resale of Returned Merchandise**
- **8.56 Smoking on Buses**
- **8.58 Tobacco Use Prevention**
- **8.60 Certified Unified Program Agency**
- **8.70 Regulation of Wells and Water Systems**
- **8.80 Abatement of Public Nuisances**
- **8.85 Assessments Related to Abatement of Public Nuisances**
- **8.90 Land Application of Biosolids**

An Ordinance of the City Council of the City of Bakersfield adding Chapter 8.85 of the Bakersfield City Municipal Code

Chapter 8.85 Assessments Related to Abatement of Public Nuisances

8.85.010 Report and assessment list—Contents and filing.

A. When the work to abate a nuisance is done or caused to be done by the chief code enforcement officer pursuant to Chapter 8.80, he or she shall keep an account of the cost of abating such nuisances, including any applicable administrative charge(s) to be determined and apportioned by him or her upon each separate lot or parcel of land.

B. All proposed charges and assessments shall be set for hearing pursuant to and in accordance with City Building Department written policy.

C. The chief code enforcement officer shall include the account in a report and assessment list submitted to the city council, which he or she shall file with the city clerk.

D. The report and assessment list shall refer to each separate lot or parcel of land by description sufficient to identify it, and state separately the cost of abating the nuisance upon each parcel of land, including the apportioned administrative charge of all applicable city departments.

8.85.020 Report and assessment list—Notice of filing.

A. The city clerk shall cause to be posted a copy of the report and assessment list on the bulletin board near the council chamber in the City Hall, together with a notice of filing the same and of the time and place when and where it will be submitted to the city council for confirmation, at least ten days before the date fixed therein.

B. The chief code enforcement officer shall also mail and/or post copies, as the case may be, of the notice to all the owners of property and any mortgagee or beneficiary under any deed of trust where violations of the Uniform Housing Code or the Uniform Code for the Abatement of Dangerous Buildings exist, as the case may be, on which such a nuisance was abated for the time, and in the manner, and with like effect, as provided in Chapter 8.80.

8.85.030 Council confirmation.

A. The assessment list prepared by City staff shall be presented to the City Council on a routine basis for consent approval at a public meeting.

B. The city council may amend, alter, modify or correct the assessment in such manner as to them shall seem just, and may require the revision or correction to be completed according to their directions.

C. All of the decisions and determinations of said city council shall be final and conclusive.

D. Said assessment, when confirmed, shall become and remain a lien upon the properties stated therein, until paid or foreclosed as provided for herein.

E. All such assessments remaining unpaid thirty days after the date of recording shall become delinquent. An additional ten percent administrative service charge and interest at the rate of one percent per month shall be added to any assessment which is delinquent. Should the city resort to court action to collect amounts due, the city shall be entitled also to collect its reasonable costs.

8.85.040 Payments to finance director.

Any property owner may pay the amount assessed against said property at the office of the finance director at City Hall North, 1600 Truxtun Avenue, Bakersfield, California, and the lien thereof against the property affected shall be released. However, where the city chooses to place assessments confirmed under this chapter on the property tax roll for collection, the property owner must pay the assessment prior to five p.m. on June 30th, following completion of the work.

8.85.050 Recording of lien.

A. Unless the amount assessed has been paid within ten days of city council action confirming the same, the chief code enforcement officer shall cause to be filed in the office of the recorder of the county of Kern a notice of lien.

B. From and after the date of the recording of the notice of lien in the office of the recorder of the county of Kern, as in this section provided, all persons shall be deemed to have full notice thereof.

8.85.060 Collection of assessments—Writ of execution non-judicial foreclosure.

A. Any nuisance abatement lien created under this chapter may be foreclosed as provided for in California Government Code Section 38773.1.

B. Where the city elects to pursue such remedy, the code enforcement officer shall, prior to recording, serve a notice of lien on property owner upon which the nuisance exists.

C. Service required under this subsection shall be made as required under Code of Civil Procedure Section 415.10 et seq. However, if the owner of record, after

diligent search cannot be found, the notice of lien may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Kern County pursuant to Government Code Section 6062.

8.85.070 Collection of assessments—Placement on tax roll.

A. Annually on the date set by the Kern County auditor controller after completion of work and levying of assessments therefor, the chief code enforcement officer may cause the amounts of said assessments, along with all accrued administrative service charges and interest, remaining unpaid against the respective lots or parcels of land to be entered and extended on the property tax roll, and pursuant to law, the county tax collector shall include the sum of the tax bills applicable to such property.

B. Thereafter said amounts may be collected at the same time and in the same manner as general ad valorem taxes are collected, and will be subject to the same penalties and the same procedures and sale in case of delinquency.

C. All laws and ordinances applicable to the levy, collection and enforcement of city property taxes and benefit assessments shall be applicable to such special assessments.

8.85.080 Repayment of repair and demolition fund.

All money recovered by payment of any charge or assessment, or from the sale of property at foreclosure sale as a result of enforcement action provided for herein, shall be paid to the finance director, who shall credit the proceeds to the repair and demolition fund established pursuant to Section 15.24.060 of the Bakersfield Municipal Code.

SECTION 2.

This Ordinance shall be posted in accordance with the Bakersfield Municipal Code and shall become effective thirty (30) days after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, PARLIER
NOES:	COUNCILMEMBER: _____
ABSTAIN:	COUNCILMEMBER: _____
ABSENT:	COUNCILMEMBER: _____

JULIE DRIMAKIS, CPMC, MMC
CITY CLERK and Ex Officio Clerk of the
Council of the City of Bakersfield

APPROVED:

By: _____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
ASHLEY ZAMBRANO
Deputy City Attorney II

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