

**RESOLUTION NO. # \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TEHAMA DECLARING THE EXISTENCE OF A PUBLIC NUISANCE ON THE PROPERTY LOCATED AT 751 3<sup>rd</sup> STREET, TEHAMA, CALIFORNIA (APN: 066-133-005) IN THE UNINCORPORATED AREA OF THE COUNTY OF TEHAMA; ORDERING THE ABATEMENT THEREOF; AND DIRECTING AN ITEMIZED ACCOUNTING OF THE COSTS INCURRED IN ABATING THE NUISANCE**

**WHEREAS**, Tehama County Code section 10.16.020, subdivision (E) provides that any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of any provision of this code or state law; and

**WHEREAS**, Tehama County Code section 10.16.060, authorizes the enforcing officer issue and serve a "Notice to Abate Public Nuisance and Administrative Order to Show Cause" ("Notice") in accordance with Tehama County Code sections 10.16.070 and 10.16.080 in order to commence abatement proceedings under Chapter 10.16 of the Tehama County Code; and

**WHEREAS**, under Tehama County Code section 10.16.100, the Tehama County Planning Commission shall hold an administrative hearing, not less than fifteen (15) calendar days after service of the Notice, to determine whether the conditions existing on the property subject to the Notice constitute a nuisance under Chapter 10.16 of the Tehama County Code, or whether there is any other good cause why those conditions should not be abated; and

**WHEREAS**, on 12/26/2017, the Tehama County Code Enforcement Officer, Clint Weston, issued and served, by posting and certified mailing, a Notice in accordance with Tehama County Code section 10.16.080 upon the owner(s) and/or occupant(s) of **751 3<sup>RD</sup>, STREET, TEHAMA, CALIFORNIA (APN: 066-133-005)**, ("Premises"); and

**WHEREAS**, the Notice complied with all relevant provisions of Chapter 10.16; and

**WHEREAS**, pursuant to Tehama County Code section 10.16.070, the Notice advised that a hearing before the Tehama County Planning Commission was set for 1/18/2018, in accordance with Tehama County Code section 10.16.100; and

**WHEREAS**, on 1/18/2018 the Tehama County Planning Commission conducted a duly noticed hearing, and heard and considered de novo the evidence presented by the enforcing officer and other interested persons; and

**WHEREAS**, the evidence presented at the hearing clearly shows that there presently exists an unsafe mobile home awning on the Premises. Such condition constitutes a use of land, buildings, or premises established, operated or maintained contrary to the provisions of any provision of this code or state law in violation of Tehama County Code section 10.16.020, subdivision (E) and 15.02.310; and

**NOW THEREFORE BE IT RESOLVED** that the Tehama County Planning Commission hereby finds and declares that:

1. The foregoing recitals are true and correct.
2. The public nuisance, as defined above, presently exists on the Premises.
3. The unsafe mobile home awning exists on the Premises. Such condition constitutes a public nuisance, in violation of Tehama County Code section 10.16.020, subdivision (E) and 15.02.310; and

**BE IT FURTHER RESOLVED** that the Tehama County Planning Commission of hereby orders that:

1. The "Notice to Abate Public Nuisance and Administrative Order to Show Cause" issued by the enforcing officer on 12/26/2017 is hereby affirmed in full.
2. Pursuant to Tehama County Code section 10.16.020, subdivision (E) and 15.02.310, the unsafe mobile home awning presently existing on the premises constitutes a public nuisance and shall be abated by the owner and/or
3. In the event that such nuisance is not abated by the owner and/or occupant as set forth above, the enforcing officer shall abate, or cause to be abated, the public nuisance(s) in the manner set forth in Tehama County Code section 10.16.130, and shall keep an itemized account of the costs incurred by the County to abate the nuisance, to be charged against the Premises and against each person who causes, permits, suffers, or maintains the public nuisance to exist, in accordance with the provisions of Chapter 10.16 of the Tehama County Code .

The Clerk of the Tehama County Planning Commission shall promptly transmit this Recommended Decision ("Recommendation") to the Tehama County Board of Supervisors to adopt without further notice of hearing, or to set for de novo hearing. The Board of Supervisors' Decision shall be final and conclusive.

You may challenge this Decision by timely filing a writ of mandate, pursuant to Code of Civil Procedure sections 1094.5 and 1094.6, in the Tehama County Superior Court. A writ of mandate must be filed within ninety (90) days this Decision.

The foregoing resolution was offered on a motion by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_, and carried by the following vote of the Planning Commission:

AYES:

