



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director
Adam Rush, Community Development Director

MEETING DATE: February 27, 2024

SUBJECT: Second Reading and Adoption of Ordinance 1598, Adding a New Chapter 1.32 to Title 1 of the Banning Municipal Code and Amending Other Sections of the Banning Municipal Code to Create and Implement a Comprehensive Cost Recovery Program for All Nuisance Abatement Actions.

RECOMMENDATION:

A Motion to Conduct the Second Reading and Adopt Ordinance 1598, Adding a New Chapter 1.32 to Title 1 of the Banning Municipal Code and Amending Other Sections of the Banning Municipal Code to Create and Implement a Comprehensive Cost Recovery Program for All Nuisance Abatement Actions, and Making a Determination of Exemption under CEQA pursuant to CEQA Guidelines Sections 15060(c) (2)-(3) and 15061(b)(3).

BACKGROUND:

The City Council conducted first reading of and introduced Ordinance 1598, as read by title only and without modifications, during the February 13, 2024 regular City Council meeting.

JUSTIFICATION:

California Government Code provisions allow the City Council to impose fines, penalties, and forfeitures for violations of ordinances. The City may fix the penalty by fine or imprisonment, or both; however, a fine may not exceed \$1,000. In addition, Sections 38771, 38771, 38773.1, and 38773.5 allow the City to declare, by ordinance, what constitutes a public nuisance; meaning a use or property presents a clear danger to the safety or welfare of the public. Also, by ordinance, the City may establish a procedure to collect abatement and related administrative costs by nuisance abatement lien. Subsequently, the City can record a special assessment against the subject parcel for said cost.

FISCAL IMPACT:

City staff and legal counsel time involved with preparation of ordinance and staff report is minimal. Adoption of this Ordinance will provide for greater cost recovery from code enforcement actions.

ALTERNATIVES:

1. Adopt Ordinance 1598.
2. Adopt Ordinance 1598, with minor clerical modifications.
3. Do not adopt Ordinance 1598.

ATTACHMENTS:

1. [Ordinance 1598, Nuisance Abatement.docx](#)

