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**City Manager’s Report**

**March 25, 2025, City Council Meeting (Continued from March 11, 2025)**

**Prepared By: Isabel Rodriguez, Code Enforcement Official**

**Reviewed By: Carl Cahill, Interim Development Services Director**

**Item#: 11.1**

**Subject:** Consideration of an appeal filed by Ryan Nutting of a fine (6<sup>th</sup> administrative fine) levied on 50 Main Street for failure to respond to Notice to Correct (File: C#24-031).

**Recommendation:** Consider options as outlined in the Staff Report.

**Purpose:** To consider a timely appeal of a sixth administrative fine levied against the property owner of 50 Main Street for failure to respond to a Notice to Correct.

City Code Section 1-4A-11 states: The purpose of administrative enforcement is to obtain fair and uniform compliance with the provisions of this code and other applicable laws. (Ord. 1572, 4-24-2001)

City Code Section 1-4A-30 states that any person charged with an administrative violation who has been served with a notice to correct, stop order or notice of administrative violation and who wishes to contest the violation or the proposed sanction may request a hearing by filing a request for hearing within ten (10) calendar days of date of the service of the notice to correct, stop order or notice of administrative violation.

**Discussion:** The property owner was cited for maintaining an abandoned pole sign that has been deemed a public nuisance as adopted in Resolution 9240 requiring the removal of the pole sign within 90 days that have since lapsed. On October 16, 2023, a notice outlining this information and deadline was sent via certified mail to the property owner with the letter being returned as “unclaimed.” Staff became aware of varying mailing addresses resulting in additional attempts to contact the property owner. The re-sending of the notice was made on January 8, 2024, via certified mail and email, another on January 17, 2024, via certified mail, and on January 18, 2024, the notice was posted on the subject property.

Subsequently, the first through fifth, and the subject sixth administrative violation letter were sent via certified mail (See Attachment 2 - Code Enforcement Timeline).

The sixth administrative fine (\$500) was sent via certified letter on February 4, 2025, with a deadline of February 14, 2025, to file an appeal. On February 14, 2025, staff spoke with Mr. Nutting regarding the code case. He was advised that he could file an appeal with the City Clerk. The City Clerk granted an extension of the appeal period to February 19, 2025. An appeal (Attachment 1) was filed with the City Clerk on February 19, 2025, within the extended appeal period per Code Section 1-4A-30 and 1-4A-32.

In accordance with Code Section 1-4A-33, staff made an attempt to reach Mr. Nutting by phone

but were unsuccessful. Ultimately, an email was sent to invite the property owner to meet with staff to further discuss the code case. On March 3<sup>rd</sup>-5<sup>th</sup>, staff received a letter from Mr. Nutting's legal representation stating their proposed compliance plan (Attachment 4).

While staff is willing to work with an abatement timeframe for the removal of the pole sign, it is to be specified that the subject appeal is solely of the most recent fine (6<sup>th</sup> administrative violation). The first (1<sup>st</sup>) through fifth (5<sup>th</sup>) administrative fines are not timely and not subject to an appeal.

**Options:**

1. Continue the appeal, if the appellant agrees, and allow the applicant 45 days to submit a complete discretionary entitlement application including required fees and exhibits for a pole sign in accordance with applicable City Code requirements. Section 1-4A-35 states that after the hearing has started, it may be continued with the consent of all parties or upon a showing of good cause for such continuance.
2. Deny the appeal of the sixth administrative fine.
3. Uphold the appeal and extinguish the sixth administrative fine.
4. Approve the appeal, contingent upon the resolution of the violation within the next 30 days, after which the \$500 security deposit will be refunded.

**Environmental Review:** Not a project subject to CEQA review.

**Cost:** The administrative costs of code enforcement would be absorbed by the General Fund.

**Budget Impact:** None



M. Cleve Morris, City Manager



Carl Cahill, Interim Development Services Director

**Attachments:**

1. Appeal
2. Code Enforcement Timeline
3. Resolution 9240
4. J. Legal Proposed Compliance Letter