



# TOWN OF PARADISE

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[www.townofparadise.com](http://www.townofparadise.com)

## **Management Staff:**

Charles L. Rough, Jr., Town Manager  
Dwight L. Moore, Town Attorney  
Joanna Gutierrez, Town Clerk  
Lauren Gill, Assistant Town Manager  
Craig Baker, Community Development Director  
Gabriela Tazzari-Dineen, Police Chief  
Rob Cone, Interim Fire Chief  
Gina Will, Finance Director/Town Treasurer

## **Town Council:**

Tim Titus, Mayor  
Scott Lotter, Vice Mayor  
Greg Bolin, Council Member  
Steve "Woody" Culleton, Council Member  
John J. Rawlings, Council Member

# TOWN COUNCIL AGENDA

## SPECIAL MEETING – 9:00 AM – December 14, 2012

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk. Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council will be available for public inspection at the Town Hall in the Town Clerk Department at 5555 Skyway, Room 3, at the same time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

## **1. OPENING**

- a. Call to order
- b. Pledge of Allegiance to the Flag of the United States of America
- c. Roll call

## **2. CLOSED SESSION**

- 2a. Pursuant to Government Code Section 54957(b), the Town Council will hold a closed session to consider the appointment of Interim Town Manager.

- 2b. Pursuant to Government Code sections 54956.9(b) and 54956.95, the Town Council will hold closed session to consider the liability claim of Rebecca Hayashida against the Town of Paradise.

### **3. COUNCIL CONSIDERATION**

- 3a. Consider (1) Waiving the entire reading of proposed Ordinance No. \_\_\_\_ and approve reading by title only; **(ROLL CALL VOTE)** and, (2) Introducing Ordinance No. \_\_\_\_, An Ordinance Amending Paradise Municipal Code Section 8.04.010; and Adding New Sections 8.04.020.1, 8.04.020.2, 8.04.020.3, 8.04.020.4 and 8.04.150 to the Paradise Municipal Code Relating to Public Nuisance Abatement. **(ROLL CALL VOTE)**

### **4. ADJOURNMENT**

STATE OF CALIFORNIA )	SS.
COUNTY OF BUTTE )	
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	
_____	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING PARADISE MUNICIPAL CODE SECTION 8.04.010;  
AND ADDING NEW SECTIONS 8.04.020.1, 8.04.020.2, 8.04.020.3, 8.04.020.4  
AND 8.04.150 TO THE PARADISE MUNICIPAL CODE RELATING TO PUBLIC  
NUISANCE ABATEMENT**

**THE TOWN COUNCIL OF THE TOWN OF PARADISE DOES ORDAIN AS  
FOLLOWS:**

**Section 1.** Paradise Municipal Code section 8.04.010 is amended by the addition of the following:

**H. Building and Construction:** violation of the building permit or construction requirements of Title 15 of this code;

**Section 2.** Section 8.04.020.1 is added to the Paradise Municipal Code to read:

**8.04.020.1 – Civil Violation – Injunctions and civil penalties.**

- A. In addition to any other remedy provided by this code, any provision of this chapter relating to the abatement of a public nuisance may be enforced by injunction issued by the superior court upon a suit brought in the name of the Town of Paradise. All remedies prescribed by this chapter are cumulative and the use of one or more remedies by the Town shall not bar the use of any other remedy for the purposes of enforcing the provisions hereof or abating a public nuisance.
- B. As part of a civil action filed to enforce provisions of this code, a court may assess a maximum civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) per violation of the code for each day during which any person commits, continues, allows or maintains a violation of any provision of this code.
- C. In addition to the penalties provided above, any condition caused or permitted to exist in violation of any provision of any ordinance of the Town or provision of this code shall be deemed a public nuisance and may be abated as provided herein or in any other chapter of this code.

**Section 3.** Section 8.04.020.2 is added to the Paradise Municipal Code to read:

**8.04.020.2 – Judicial Abatement**

Pursuant to California Penal Code section 372, and California Code of Civil Procedure section 731, the Town has the authority to abate public nuisances by filing criminal or civil nuisance actions.

**Section 4.** Section 8.04.020.3 is added to the Paradise Municipal Code to read.

**8.04.020.3 – Treble damages for subsequent abatement judgments**

Pursuant to California Government Code section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two (2) year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include costs incurred abating conditions pursuant to California Health and Safety Code section 17980.

**Section 5.** Section 8.04.020.4 is added to the Paradise Municipal Code to read:

**8.04.020.4 – Attorney’s fees**

The prevailing party in any judicial action and/or administrative proceeding to abate a nuisance and/or to enforce any provision of this code shall recover the incurred attorney’s fees as follows:

- A. The recovery of attorney’s fees shall be limited to those individual judicial actions or administrative proceedings in which the Town elects, at the initiation of that individual judicial action or administrative proceeding, to seek recovery of its own attorney’s fees; and
- B. In no judicial action or administrative proceeding shall an award of attorney’s fees to a prevailing party exceed the amount of reasonable attorney’s fees incurred by the Town in the judicial action or administrative proceeding.

**Section 6.** Section 8.04.150 is added to the Paradise Municipal Code to read:

**8.04.150 – Cumulative Remedies**

The remedies set forth in this chapter include summary and administrative abatement, administrative citations, civil actions, criminal actions and all other remedies provided for by law. All remedies set forth in this chapter and in all Town ordinances for the abatement or punishment of any violation thereof, are cumulative and may be pursued alternatively or in combination. Provisions of this code are to be supplementary and complementary to all of the Town ordinances, the Paradise Municipal Code, state law, and any law under common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the Town to abate any and all nuisances and to enforce its ordinances.

**Section 6.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Tim Titus, Mayor

Attest: \_\_\_\_\_  
Joanna Gutierrez, Town Clerk

Approved  
as to form: \_\_\_\_\_  
Dwight L. Moore, Town Attorney