

## MEASURE L

### CITY ATTORNEY IMPARTIAL ANALYSIS

Measure L asks voters to approve an ordinance revising Chapter 1.14 of Title 1 of the City's Municipal Code ("Ordinance"). The Ordinance would hold the City of Chico ("City") to the same public nuisance standards as private property owners in the City. The conditions which exist upon private property constituting a public nuisance under Chapter 1.14 of the City of Chico Municipal Code ("CMC") may also qualify as a public nuisance on City-owned public property. To accomplish the goal of increasing quality of life in the City, the Ordinance provides a process for residents to demand abatement of a public nuisance on City-owned public property. Any resident specially injured by a public nuisance may submit a demand to the City to abate the alleged public nuisance. Upon receipt of the demand, the City must analyze the demand and investigate the conditions in the demand. The City is required to provide a response to the resident within 20 business days of receipt of the demand.

The City's response to the demand will notify the resident that either 1) the City agrees to abate the public nuisance and to provide a time by which it expects abatement to be completed, or 2) the City denies the demand to abate the alleged public nuisance and the reason(s) for denial.

The possible grounds for denial of a resident's demand include:

1. The City does not own the property and is therefore not the appropriate party to abate a nuisance on the property;
2. The City disagrees that a public nuisance exists on the property;
3. The resident has not proven a special injury from the public nuisance;
4. The City is not legally permitted to abate the nuisance; and/or
5. It is not in the City's best interest to abate the public nuisance.

The Ordinance does not include a monetary penalty against the City for denying a resident demand to abate an alleged public nuisance. It further does not provide residents an appeal process if the demand is denied. The Ordinance may be amended by the City Council upon a two-thirds vote of the members of the Council, but only to further the purposes of the Ordinance.

A "YES" vote on Measure L is to adopt the Ordinance. A "NO" vote on Measure L is to not adopt the Ordinance.

The above statement is an impartial analysis of Measure L. If you desire a copy of the Ordinance or measure, a copy is available from the City Clerk's office.