

**DRAFT RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO,  
CALIFORNIA DECLARING A PUBLIC NUISANCE AT 4543 YERBA  
AVENUE, ATASCADERO, CALIFORNIA 93422 (ASSESSOR PARCEL  
NUMBER 028-151-017) AND ORDERING ABATEMENT OF THE PUBLIC  
NUISANCE**

**WHEREAS**, from approximately September 2020 to present, City Code Enforcement Officers have responded to citizen complaints and conducted inspections of the property located at 4543 Yerba Avenue, Atascadero, California 93422 (APN 028-151-017) (“Property”); and

**WHEREAS**, the legal owner of record of the Property is Ms. Terri Stinson (“Property Owner”); and

**WHEREAS**, the City has issued the Property Owner multiple warning letters and administrative citations due to various Atascadero Municipal Code and adopted code violations related to the unlawful accumulation of debris and waste, improper storage of inoperative vehicles, accumulation and storage of combustible material constituting a fire, health or safety hazard, and failure to maintain safe, continuous and unobstructed paths of travel to and from the building; and

**WHEREAS**, despite efforts by the City to engage with the Property Owner, the Property remains in violation of the Atascadero Municipal Code, the California Health and Safety Code, the International Property Maintenance Code and the California Fire Code; and

**WHEREAS**, the Atascadero Municipal Code Section 9-8.106 defines a public nuisance as “Any condition declared by statute of the State or ordinance by the City to be a nuisance; Any public nuisance known at common law or equity; Any condition dangerous to human life, unsafe, or detrimental to the public health or safety; Any use of land, buildings, or premises established, operated, or maintained contrary the provisions of this title”; and

**WHEREAS**, the Atascadero Municipal Code Section 12-1.02 provides that “any condition caused or permitted to exist in violation of any of the provisions of this Code, or its adopted Codes, shall be deemed a public nuisance...”; and

**WHEREAS**, City Code Enforcement determined that a nuisance exists on the Property and on April 8, 2025, Code Enforcement personally served the Property Owner and posted conspicuously on the Property a Notice of Nuisance Abatement describing the nuisance conditions on the Property and ordering such conditions be abated within 30 days pursuant to Atascadero Municipal Code Section 9-8.107(a); and

**WHEREAS**, on May 12, 2025, Code Enforcement inspected the Property and found the nuisance conditions had not been abated and personally served the Property Owner and posted conspicuously on the Property a Notice of Nuisance Abatement Hearing pursuant to Atascadero Municipal Code Section 9-8.107(b) notifying the Property Owner of a hearing before the City Council on May 27, 2025 to determine the existence of a nuisance and order abatement thereof; and

**WHEREAS**, pursuant to Atascadero Municipal Code Section 9-8.107(c), the City Council of the City of Atascadero conducted a public hearing regarding the nuisance conditions on the Property fifteen days after service of the Notice of Nuisance Abatement Hearing at its duly noticed regularly scheduled meeting on May 27, 2025.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Atascadero:

Section 1. The above recitals are true and correct and incorporated herein as factual findings in support of the action taken by this Resolution.

Section 2. The Atascadero Municipal Code Section 9-8.106 defines a nuisance as follows:

“A nuisance is any of the following:

- (a) Any condition declared by a statute of the State or ordinance by the City to be a nuisance.
- (b) Any public nuisance known at common law or equity.
- (c) Any condition dangerous to human life, unsafe, or detrimental to the public health or safety.
- (d) Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this title.”

Additionally, Atascadero Municipal Code Section 12-1.02 provides:

“In addition to the penalties provided in this chapter, or elsewhere in this Code, or in any Code adopted by reference by this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code, or its adopted Codes, shall be deemed a public nuisance and may be abated by the City, and each and every day or portion thereof that such condition continues shall constitute a separate and distinct offense.”

California Civil Code Section 3494 further authorizes the City to abate the public nuisance:

“A public nuisance may be abated by any public body or officer authorized thereto by law.”

Section 3. At the meeting on May 27, 2025, the City Council considered whether the conditions existing at the subject property constitute a public nuisance. All evidence, both written and oral, presented during the meeting were considered by the City Council in making its determination.

Section 4. A record of the proceeding indicates the following:

- A. The Property is a single-family home.
- B. On September 22, 2020, City Code Enforcement responded to a complaint on the Property and opened a Code Enforcement item for the Property due to a violation of Atascadero Municipal Code Section 9-6.103(g) related to outdoor storage of scrap, junk, and miscellaneous articles and materials in excess of 200 square feet, five feet of height, and confined to the buildable area of the lot. On March 4, 2021, the City issued the Property Owner an administrative citation for violation of Section 9-6.103(g). The City issued a second administrative citation for violation of Section 9-6.103(g) on March 31, 2021. From the period of 2021 to present, the City received numerous complaints from citizens regarding the accumulation of debris in the front of the property attracting pests and vermin, storage of abandoned vehicles, and fire and safety hazards on the Property. On September 7, 2022, a fire occurred in the back yard of the residence. On September 21, 2022, the City issued the Property Owner a formal warning letter identifying and requiring the Property Owner to correct violations of the following local and state laws creating unsafe and uninhabitable conditions at the Property: Atascadero Municipal Code Sections 6-4.03, 9-6.103(g), and 9-6.103(d)(3), California Health and Safety Code Section 17920.3(h) and (j), International Property Maintenance Code Sections 302.1, 302.3 308.1, and 702.1, and California Fire Code Sections 304.1, 315.4, 104.3 , 104.10, 104.11, and 104.11.12. On August 19, 2023, in response reports of illegal burnings at the Property, the Atascadero Fire Department issued the Property Owner a formal warning regarding illegal burning. Code Enforcement has routinely inspected the Property and communicated with the Property Owner to monitor progress toward correction of the violations, performing approximately monthly inspections from 2022 to present.
- C. The City's attempts to obtain voluntary compliance from the property owner have been unsuccessful.

Section 5. Based upon information provided to the City Council and on substantial evidence in the record, the City Council hereby finds and declares that the Property is a public nuisance pursuant to Chapter 9-8 of the Atascadero Municipal Code. The City Council further directs staff prepare a notice of order to abate to the Property Owner in accordance with Section 9-8.107(c) of the Atascadero Municipal Code directing the Property Owner to complete abatement within thirty (30) days of service of the notice. In the event abatement is not completed in accordance with the terms set forth herein, the City Council authorizes the Enforcement Officer, or his or her designee, to abate the nuisance.

Section 6. The City Clerk shall certify to the adoption of this Resolution and hereafter the same shall be in full force and effect.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 27th day of May 2025.

On motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

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Charles Bourbeau, Mayor

ATTEST:

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Lara K. Christensen, City Clerk