

**TOWN OF PARADISE  
ORDINANCE NO. 527**

**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. 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 8<sup>th</sup> day of January, 2013, by the following vote:

**AYES:** Greg Bolin, Scott Lotter, John J. Rawlings and Tim Titus, Mayor

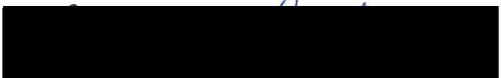
**NOES:** None

**ABSENT:** Steve "Woody" Culleton

**ABSTAIN:** None

  
Tim Titus, Mayor

Attest: 1-15-2013

  
Joanna Gutierrez, Town Clerk

Approved as to form:

  
Dwight L. Moore, Town Attorney