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City of Roseville Code Enforcement Program

Nuisances

The City of Roseville's Code Enforcement program would like to take this opportunity to familiarize, inform, and educate the City of Roseville residents in regards to nuisances.

Under the law, there are two types of nuisances: public nuisances and private nuisances. Chapter 10.54 of the Roseville Municipal Code gives the City authority to enforce and abate public nuisances only. The City does not enforce private nuisances; those are private civil matters. Case law has elaborated on these definitions.

<u>Public Nuisances</u> - California Civil Code section 3480 defines a public nuisance as one, which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals, may be unequal.

To be public, the nuisance must be visible from a public street or right of way. A public nuisance must affect the rights enjoyed by citizens as part of the public whereas a private nuisance is one that affects a single individual or a determinate number of persons in the enjoyment of some private right. Based on these definitions, the City can only enforce public nuisances.

<u>Private Nuisances</u> - Section 3481 defines private nuisance, as everything not included in the definition of public nuisance.

A private nuisance is a non-trespassory interference with private use and enjoyment of one's land. A public nuisance interferes with the rights of the community at large. Nuisances which cannot be viewed from a public right of way, such as debris in someone's backyard, are private nuisances. If the condition is a nuisance which cannot be viewed from public property, the City of Roseville cannot attempt to view the condition from a neighboring property.

However, if the violation is something else, which cannot be viewed from public property, such as an unpermitted structure (possible life-safety condition), it is acceptable to view the violation from the complainant's property with that property owner's consent. These violations may be enforced as long as the violation is visible from above the level of the lowest fence in the rear yard. Attempting to view a violation from the second-story of a residence is not the City of Roseville's procedure. (reasonable expectation of privacy).

If you believe you have a <u>public</u> nuisance property in your neighborhood and would like to have it abated, the following options/steps may help to resolve the problem:

- Contact the responsible person by describing the nature of the problem. Discuss how the problem affects you and the possible solutions. Often a polite request to the offender is sufficient to solve the problem.
- File a complaint with the Building Division. When you file a complaint a City Code Enforcement Inspector is assigned to the case. All information is kept confidential. If the complaint is valid, we are then required to issue a proper warning to the owner(s) giving them an opportunity to comply. To report code violations, please call our complaint hotline at (916) 774-5501 or simply e-mail us at: buildingdivision@roseville.ca.us. An online complaint form is also available at the City of Roseville website at: www.roseville.ca.us.

If you believe you have a <u>private</u> nuisance property in your neighborhood and would like to have it abated, the following options/steps may help to resolve the problem:

- Attend your neighborhood association meetings. If the City is unable to help with a nuisance, it's possible that the Covenants, Conditions & Restrictions (CCR's) within your neighborhood may help. If you are not sure you have a neighborhood association, please contact the City of Roseville, Coalition of Neighborhood Association at (RCONA) at (916) 774-5426, and ask for a contact person in your neighborhood. Some associations have detailed web sites at neighborhoodlink.com.
- Mediation. Mediation is a better way to settle differences than a costly and time consuming courtroom battle or on-going conflict. It is a voluntary settlement process, which allows you to control the decisions that affect your family, business, finances, and life rather than having an outcome imposed upon you by a third party. If interested, you may contact:

Placer County Dispute Resolution Service (mediation) P.O. Box 1771 Loomis, CA 95650-1771 916-645-9260

- Consult an attorney. Determine what your legal remedies and/or rights are.
- Small Claims Court. A lawsuit to abate a private nuisance is another option. The court
 can order the private nuisance abated or monetary damages paid to the complainants.
 Each complainant can collectively sue the property owner (individually file a small claims
 action) for the nuisance. If interested, you may contact:

Superior Court of California Placer County 530-823-1019 916-875-7846 916-773-7062 www.placercourts.org (look for the small claims advisory clinic)

Hopefully you have found this information both helpful and informative. This article is a part of the on-going educational effort of the Code Enforcement Program of the City of Roseville. Please call (916) 774-5332 if you have any questions.