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## The Nuisance Fine

*By Sophie Braccini*

Have you ever been frustrated by a neighbor who left a pile of debris in front of his home or a business displaying an obnoxiously oversized commercial sign? Have you wondered what recourse you have?

Until now, even if Moraga residents called the town to complain, there was not much that anyone could do about it - the town had no ordinance allowing for administrative citation and abatement. The old process required a council hearing; a set of rules was applied only in the most egregious cases, such as a property under complete disrepair or abandoned. Town staff proposed new code enforcement rules to the Moraga Town Council on May 21, a timely move since new sign regulations were just approved.

Staff will soon be able to issue citations and fine residents who are not in compliance with the municipal code, and an amendment of the current abatement regulation allows staff to act without first going to elected officials. The actions can be appealed, first to a town officer and then to the Moraga Town Council.

Moraga has no plans to hire a code compliance officer, said Town Manager Jill Keimach. "The town will act only when a complaint is filed, we will not seek out violations." Associate planner Ella Samonsky added, "Staff will continue the existing practice of providing courtesy calls and written warnings to encourage voluntary compliance before initiating the nuisance abatement process." The fine for a first offense is \$100, rising to \$250 and \$500 for the second and third offenses, respectively.

The modification of the abatement ordinance allows staff to abate a nuisance after proper warning and if the abatement decision is not appealed to the town council. Any violation of the municipal code can be declared a public nuisance - examples include overgrown vegetation likely to harbor vermin, sports equipment blocking travel lanes, abandoned buildings, construction done without a permit, and non-compliant signage.

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