

**ORDINANCE 725
(AS AMENDED THROUGH 725.12)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO
725 ESTABLISHING PROCEDURES AND PENALTIES FOR VIOLATIONS OF
RIVERSIDE COUNTY ORDINANCES AND PROVIDING FOR REASONABLE COSTS
RELATED TO ENFORCEMENT AND INCORPORATING BY REFERENCE
ORDINANCE NO. 640**

The Board of Supervisors of the County of Riverside, State of California, ordains as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance, certain words are defined as follows:

- a. The term "County Land Use Ordinances" shall include Riverside County Ordinance Nos. 348, 413, 421, 427, 457, 458, 460, 465, 492, 520, 523, 525, 527, 541, 546, 551, 555, 559, 576, 580, 615, 617, 650, 651, 657, 682, 704, 712, 745, 754, 812 and 830
- b. The term "**Enforcement Officer**" shall include the Director of Transportation and Land Management, Building Official, Director of Environmental Health, Agricultural Commissioner, Fire Chief, Clerk of the Board of Supervisors, Sheriff and their designees.
- c. The term "**person**" means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.
- d. The term "**abatement costs**" means any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation.
- e. The term "**administrative costs,**" shall include staff time reasonably related to enforcement, for items including, but not limited to, site inspections, investigations, summaries, reports, notices, telephone contacts and correspondence. Travel time for inspections shall not be included.

1) DEPARTMENT OF BUILDING & SAFETY STAFF TIME SHALL BE CALCULATED AS FOLLOWS:

<u>Job Classification</u>	<u>Regular Hourly Rate</u>	<u>Overtime Hourly Rate</u>
Supervising Code Enforcement Officer	\$130.00	\$148.00
Senior Code Enforcement Officer	\$129.00	\$143.00
Code Enforcement Officer II	\$109.00	\$123.00
Code Enforcement Technician	\$82.00	\$91.00

Principal Engineering Technician	\$167.00	\$183.00
Senior Building Inspector	\$159.00	\$175.00
Building Inspector II	\$130.00	\$143.00

2) DEPARTMENT OF ENVIRONMENTAL HEALTH STAFF TIME SHALL BE CALCULATED AS FOLLOWS:

An hourly rate shall be charged for actual time spent on each case. The hourly rates as provided for in Riverside County Ordinance No. 640 shall be adopted and incorporated herein by this reference.

3) DEPARTMENT OF ENVIRONMENTAL HEALTH, HAZARDOUS MATERIALS ("HAZMAT") DIVISION, STAFF TIME SHALL BE CALCULATED AS FOLLOWS:

I. INITIAL COMPLAINT INVESTIGATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	2.0hrs.	\$144.74

II. COMPLAINT REINVESTIGATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	1.5hrs.	\$108.56

III. ISSUANCE OF NOTICE OF VIOLATIONS:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	1.0hrs.	\$ 72.37

IV. OFFICE HEARINGS:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	2.0hrs.	\$144.74

V. ISSUANCE OF CITATIONS:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	2.0hrs.	\$144.74

VI. COMPLIANCE LETTERS:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	1.0hrs.	\$ 72.37

VII. PREPARATION OF COURT CASE:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	5.0hrs.	\$361.85

VIII. REPRESENTATION AT TRIAL:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
HMMS III	\$72.37	1.0hrs.	\$ 72.37

IX. MISCELLANEOUS TIME NOT ACCOUNTED FOR ABOVE:

<u>Position Class</u>	<u>Hourly Rate</u>
HMMS IV	\$75.96

4) THE OFFICE OF THE AGRICULTURAL COMMISSIONER STAFF TIME SHALL BE CALCULATED AS FOLLOWS:

I. INITIAL COMPLAINT INVESTIGATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
ASI IV	\$36.00	2.0	\$72.00

II. COMPLAINT REINVESTIGATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
ASI IV	\$36.00	2.0	\$72.00

III. ISSUE NOTICE OF VIOLATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
ASI IV	\$ 36.00	1.0	\$36.00
OA II	\$ 23.00	0.5	\$11.50

IV. OFFICE HEARING:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
SUPV ASI II	\$ 38.00	2.0	\$ 76.00
ASI IV	\$ 36.00	1.0	\$ 36.00

V. ISSUANCE OF CITATION:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
ASI IV	\$ 36.00	2.0	\$ 72.00

VI. COMPLIANCE LETTER:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
ASI IV	\$ 36.00	1.0	\$ 36.00
OA II	\$ 23.00	0.5	\$ 11.50

VII. PREPARATION OF COURT CASE:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
SUPV ASI II	\$ 38.00	1.0	\$ 38.00
ASI IV	\$ 36.00	4.0	\$144.00
OA II	\$ 23.00	1.0	\$ 23.00

VIII. PREPARATION AT TRIAL TIME:

<u>Position Class</u>	<u>Hourly Rate</u>	<u>Time</u>	<u>Cost</u>
SUPV ASI II	\$ 38.00	1.0	\$ 38.00
ASI IV	\$ 36.00	1.0	\$ 36.00

IX. MISCELLANEOUS TIME:

<u>Position Class</u>	<u>Hourly Rate</u>
DEPUTY AGRICULTURAL COMMISSIONER	\$ 41.00
ASI III	\$ 33.00
SECRETARY I	\$ 27.00
OFFICE ASSISTANT III	\$ 24.00

Section 2. NO PERMITS OR LICENSE TO BE ISSUED. No permit or license shall be issued unless it is in accordance with all the provisions of Riverside county ordinances and such ordinance violation processing fees, as established from time to time by the Board of Supervisors, have been paid. Any permit or license issued contrary to the

provisions of Riverside county ordinances shall be void and of no effect.

Section 3. PERMIT OR LICENSE REVOCATION OR SUSPENSION.

- a. Findings.** An Enforcement Officer may revoke or suspend a permit or license issued pursuant to County Land Use Ordinances upon a finding that:
- 1)
 - (i) The permittee has violated any of the conditions or requirements of the permit or license or the provisions of the ordinances, statutes, rules or regulations pertaining to the permit or license;
 - (ii) The permit or license was issued in error; or
 - (iii) The permit or license was issued on the basis of incorrect information supplied by the permittee or licensee.
 - 2) Written notice of the violation has been sent to the permittee or licensee by first class mail.
 - 3) The permittee or licensee has failed or neglected to correct the violation within twenty (20) days from the date the written notice was mailed.
- b. Hearing.** A permit or license may be revoked or suspended by the Enforcement Officer as provided for herein after the permittee or licensee is afforded a pre-deprivation opportunity for a hearing pursuant to subsection e. of this section. Notwithstanding the foregoing, a permit or license may be summarily revoked or suspended in the event that the Enforcement Officer determines that exigent circumstances exist which demonstrate an immediate threat to the public health or safety. Upon a determination that exigent circumstances exist, a permittee or licensee shall be sent a written notice of violation pursuant to subsection a.2. of this section, and shall be alternatively afforded a post-deprivation opportunity for a hearing pursuant to subsection b.2 of this section.
- 1) **Pre-Deprivation Hearing.** Any person whose application for a permit or license has been denied or whose permit or license faces revocation or suspension after having first been sent a written notice of violation pursuant to subsection a.2. of this ordinance shall be entitled to request a pre-deprivation hearing. The person shall file with the issuing agency a written petition requesting the hearing and setting forth a brief statement of the grounds for the request within ten (10) days from the date the permit or license application was denied or from the date the written notice of violation was mailed pursuant to subsection a.2. of this section. The failure to timely submit a written request for a hearing shall be deemed a waiver of the right to such hearing.
 - 2) **Post-Deprivation Hearing.** Any person whose permit or license has been summarily revoked or suspended shall be entitled to request a post-deprivation hearing. The person shall file with the issuing agency a written petition requesting the hearing and setting forth a brief statement of the

grounds for the request within ten (10) days from the date the written notice of violation was mailed pursuant to subsection a.2. of this section. The failure to timely submit a written request for a hearing shall be deemed a waiver of the right to such hearing.

- 3) Hearing Procedure.** The hearing officer shall be the Enforcement Officer or their designee. The hearing shall be set for a date within ten (10) days from the date the written request is received by the issuing agency unless extended at the request of the petitioner. At the time and place set for the hearing, the hearing officer shall give the petitioner and other interested persons, adequate opportunity to present any facts pertinent to the matter at hand. The hearing officer may, when deemed necessary, continue any hearing by setting a new time and place and by giving notice to the petitioner of such action. At the close of the hearing, or within twenty (20) normal business days thereafter, the hearing officer shall order such disposition of the permit application or permit as determined to be proper, and shall, by postage prepaid, certified mail, notify the petitioner of the hearing officer's final determination.

Section 4. ABATEMENT OF PUBLIC NUISANCES. Any condition caused, maintained or permitted to exist in violation of any of the provisions of County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law.

Section 5. SUMMARY ABATEMENT. Pursuant to Government Code Section 25845, subdivision (a), the Enforcement Officer is authorized to summarily abate public nuisances determined by the Officer to constitute an immediate threat to public health or safety.

Section 6. ADMINISTRATIVE ABATEMENT - PROCEDURE.

- a. First Notice.** If the Enforcement Officer determines that public or private property or any portion thereof is being maintained or permitted to exist in a manner prohibited by the provisions of any County Land Use Ordinance, the Officer shall give written notice to all parties concerned to abate the condition. The notice shall specify the manner in which the conditions on the property violate the provisions of County Land Use Ordinances and the corrective actions required to abate the violation. The notice shall also state that failure to bring the property into compliance with county ordinances could subject the owner to civil, administrative and criminal penalties and could result in the imposition of a lien on the property for costs related to the enforcement of the ordinances and abatement of the conditions. The failure of the notice to set forth all required contents shall not affect the validity of the proceedings.
- b. Manner of Giving Notice.** The Enforcement Officer shall post a copy of the notice in a plainly visible place on the property and shall send a copy by registered or certified mail, postage prepaid, return receipt requested, to the owner of the property, as such person's name and address appears on the last County Equalized Assessment Roll, and to each mortgagee or beneficiary under any recorded deed of trust or holder of any recorded lease and to the holder of any other asset or interest

in the property, at the last known address of such interest holders. If the address of any such person is unknown, that fact shall be stated in the copy so mailed and it shall be addressed to the person at the county seat. Service by mail shall be deemed complete at the time of deposit in the mails. The Enforcement Officer shall file a copy of said notice with the Clerk of the Board, along with an affidavit certifying to the persons and the date and manner in which notice was given. The Enforcement Officer shall also thereafter file any receipt cards which are returned, acknowledging receipt of the notice. The failure of any owner or other person to receipt such notice shall not affect the validity of the proceedings.

- c. **Right of Mortgagee or Beneficiary to Comply if Owner Fails To Do So.** If the property is encumbered by a mortgage or deed of trust of record, and the owner of the property shall not have complied with the notice, on or before the expiration of thirty (30) days after the mailing and posting of the First Notice, the mortgagee or beneficiary under the deed of trust may, within fifteen (15) days after the thirty (30) day period, comply with the requirements of the notice.
- d. **Second Notice.** If the First Notice is not complied with within forty-five (45) days after giving the First Notice, the Enforcement Officer shall give a Second Notice to all parties concerned, by posting and mailing in the same manner as the First Notice, which notice shall be entitled "Notice to Correct County Land Use Ordinance Violations and Abate Public Nuisance." The notice shall direct the owner of the property to appear at a hearing before the Board of Supervisors at a stated date, time and place to show cause why the conditions on the property should not be abated. The hearing shall be set not less than fifteen (15) days after the posting and mailing of the Second Notice. The Enforcement Officer shall file a copy of the First and Second Notices and a Proof of Service of such notices with the Clerk of the Board. The failure of any owner or other person to receipt such notice shall not affect the validity of the proceedings.
- e. **Hearing.** At the time fixed in the Second Notice, the Board of Supervisors shall receive evidence from the Enforcement Officer and the owner of the property or the owner's representatives and any other concerned parties who may desire to testify regarding the conditions of the property or any other relevant matter, if such persons are present at the hearing. In conducting the hearing the Board of Supervisors shall not be limited by the technical rules of evidence.

Upon the conclusion of the hearing, the Board shall make its decision, and in the event that it so concludes, it may declare the conditions on the property or the property to be in violation of County Land Use Ordinances and a public nuisance. The Board may direct the owner to abate, within ninety (90) days after posting and mailing of the Board's decision, the conditions on the property, or the property will be abated and the costs of abatement shall be a lien on the property which may be collected by an assessment against the property pursuant to Government Code Section 38773.5 or by any other means provided by law.

The Enforcement Officer shall post a copy of the Board's decision on the property and mail a copy of the decision to all parties concerned in the same manner as the First Notice, and shall file a proof of service with the Clerk of the Board.

The Board may grant any extension of time to abate such conditions that it may deem justifiable upon good cause being shown.

- f. **Time to Bring Action.** Unless the owner or holder of recorded interest presents an action in a court of competent jurisdiction within ninety (90) days after the date of mailing and posting of the decision of the Board contesting the validity of any proceedings leading up to and including the decision of the Board, all objections to the proceedings and decision shall be deemed to have been waived.
- g. **Jurisdiction to Abate.** Ninety (90) days after the mailing and posting of the Board's decision, the County shall have jurisdiction to abate such conditions, unless within the ninety (90) day period, an extension of time is granted by the Board. In the event that such condition is not abated within the prescribed time, the Enforcement Officer may abate such conditions.
- h. **Statement of Expense.** The Enforcement Officer shall cause to be posted conspicuously on the property, a verified statement showing the abatement costs, together with a notice of the date, time, and place of when and where the statement shall be heard by the Board, which shall be not less than five days after the posting and mailing of the statement. A copy of the statement and notice shall be mailed to all concerned parties in the manner as it prescribed for the First Notice and filed with the Clerk of the Board, together with proof of posting and mailing.
- i. **Hearing on Statement of Expense.** At the time fixed for the hearing on the statement of expense, the Board shall consider the statement, together with any objections which may be raised by the owners or other concerned parties. The Board may make any such revision, correction, or modification in the statement as it may deem just, and thereafter shall render its decision on the statement. The Board's decision on the statement and all protests and objections which may be made shall be final and conclusive.
- j. **Payment – Lien.** If payment is not made within ten (10) days after the Board's decision on the statement, the Enforcement Officer shall transmit the statement and the Board's decision to the County Auditor, who shall place the amount thereof on the Assessment roll as a special assessment to be paid with county taxes, unless sooner paid. At the same time, the Enforcement Officer shall file in the Office of the County Recorder of Riverside County, a Notice of Lien, describing the real property affected, a summary of the action taken to abate the subject condition, if any, and the amount of the lien claimed by the County of Riverside.
- k. **Release of Lien.** Upon payment in full of the abatement costs, or upon order of the Board of Supervisors, the Enforcement Officer shall execute and record with the County Recorder, a release of recorded lien on the property. If an assessment has been placed on the Assessment Roll and is thereafter paid to the Enforcement Officer, he or she shall notify the County Auditor, who shall cancel the assessment on the roll.
- l. **Incurring Expense.** The Enforcement Officer is authorized to pay from funds appropriated to him, the cost of a title search to determine who are the concerned parties, mailing expense, and the expense of all work done or caused to be done by him or her in the abatement of the subject condition. All of such

costs shall be included in the Statement of Expense filed by the Enforcement Officer.

- m. **Continuances - Decision.** The Board may continue any hearing provided for herein from time to time. Upon the conclusion of the hearing, the Board shall render its decision not later than fifteen (15) days thereafter.
- n. **Other Remedies.** The provisions of this ordinance are to be construed as an added remedy of abatement and not in derogation of any other actions or proceedings or remedies otherwise provided by law.

Section 7. ADMINISTRATIVE CITATIONS AND PENALTIES.

In addition to the remedies and penalties contained in this ordinance, and in accordance with Government Code Section 53069.4, an administrative citation may be issued for any violation of County Land Use Ordinances. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

- a. **Notice of Violation.** If the violation is not corrected within the period stated in the notice of violation, or if the violation creates an immediate danger to health or safety, an administrative citation may be issued by the Enforcement Officer. The notice of violation shall conform to the requirements of subdivision a. of section 6 of this ordinance.
- b. **Content of Citation.** The administrative citation shall be issued on a form approved by County Counsel and shall contain the following information:
 - 1) Date, location and approximate time the violation was observed.
 - 2) The ordinance violated and a brief description of the violation.
 - 3) The amount of the administrative penalty imposed for the violation.
 - 4) Instructions for the payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period.
 - 5) Instructions on how to appeal the citation.
 - 6) The signature of the Enforcement Officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

- c. **Service of Citation.**
 - 1) If the owner, occupant or other person who has violated the ordinance is present at the scene of the violation, the Enforcement Officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
 - 2) If the owner, occupant or other person who has violated the ordinance is a business, and the business owner is on the premises, the Enforcement Officer shall attempt to deliver the administrative citation to them. If the Enforcement Officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the

administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.

- 3) If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last County Equalized Assessment Roll.
- 4) The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

d. Administrative Penalties.

- 1) The penalties assessed for each violation shall not exceed the following amounts:
 - a) \$100.00 for a first violation;
 - b) \$200.00 for a second violation of the same ordinance within one year; and
 - c) \$500.00 for each additional violation of the same ordinance within one year.
- 2) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
- 3) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- 4) The penalties assessed shall be payable to the County of Riverside.

e. Administrative Appeal.

- 1) **Notice of Appeal.** The recipient of administrative citation may appeal the citation by filing a written notice of appeal with the department that issued the administrative citation. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation as set forth in subsection c, of this section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on County forms and shall contain the following information:
 - a) A brief statement setting forth the appellant's interest in the proceedings;
 - b) A brief statement of the material facts which the appellant claims supports their contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 - c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
 - d) The notice of appeal must be signed by the appellant.
- 2) **Administrative Hearing.** Upon a timely written request by the recipient of the administrative citation, an administrative hearing shall be held as follows:

- a) **Notice of Hearing.** Notice of the administrative hearing shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
- b) **Hearing Officer.** The administrative hearing shall be held before the director of the issuing agency or their designee. The hearing officer shall not be the Enforcement Officer who issued the administrative citation or their immediate supervisor. The Director may contract with a qualified provider to conduct administrative hearings or to process administrative citations.
- c) **Conduct of the Hearing.** The Enforcement Officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the hearing officer shall make their determination based on the information contained in the notice of appeal.
- d) **Hearing Officer's Decision.** The hearing officer's decision following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full. The hearing officer's decision shall contain instructions for obtaining review of the decision by the superior court.

f. Review of Administrative Hearing Officer's Decision.

- 1) **Notice of Appeal.** Within twenty (20) days of the date of the delivery or mailing of the hearing officer's decision, a person may contest that decision by filing an appeal to be heard by the superior court. The fee for filing the notice of appeal is twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the issuing agency by the contestant.
- 2) **Conduct of Hearing.** The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the issuing agency's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within fifteen (15) days of the request.

- 3) **Judgment.** The court shall retain the twenty-five dollar (\$25.00) fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the issuing agency in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

Section 8. RECOVERY OF COSTS WHERE NO PERMIT IS REQUIRED TO CURE VIOLATION. The following section establishes procedures for the recovery of administrative costs in cases where no permit is required to cure a violation. The intent of this section is to recoup administrative costs reasonably related to enforcement.

- a. The Enforcement Officer shall maintain records of all administrative costs, incurred by responsible county departments, associated with the processing of violations and enforcement of County Land Use Ordinances and shall recover such costs from the property owner as provided herein.
- b. **Notice.** Upon investigation and determination that a violation of any of the provisions of County Land Use Ordinances is found to exist, the Enforcement Officer shall notify the record owner, or any person having possession or control of the subject property, of the existence of the violation(s), by issuing a Notice of Violation in person, by mail, or by posting the Notice on the property in a conspicuous place. The Notice shall also indicate the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objection thereto.

The Notice shall be in substantially the following form, entitled:

“NOTICE OF VIOLATION”

NOTICE OF VIOLATION

The Department of _____ has determined that conditions exist at the property a _____, Assessor's Parcel Number _____, which violate Section(s) _____ of the Riverside County Ordinance No(s), _____ to wit:

_____.

Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of such violation(s), at an hourly rate of _____ as determined by the Board of Supervisors.

You will have the right to object to these charges by filing a Request for Hearing with the Department of

_____ within ten (10) days of service of the summary of charges, pursuant to Section 13, subdivision e, of Riverside County Ordinance No. 725.

d. Summary of Costs. At the conclusion of the case, the Enforcement Officer shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property by certified mail. The summary shall include a notice in substantially the following form:

NOTICE

If you object to these charges, you must file a Request for Hearing on the enclosed form within ten (10) days of the date of this notice.

IF YOU FAIL TO TIMELY REQUEST A HEARING, YOUR RIGHT TO OBJECT WILL BE WAIVED AND YOU WILL BE LIABLE TO THE COUNTY FOR THESE CHARGES, TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE COUNTY, IN ANY COURT OF COMPETENT JURISDICTION WITHIN THE COUNTY.

Dated: _____ Signature: _____

Department of _____

In the event that (a) no Request for Hearing is timely filed or (b) after a hearing the Code Enforcement Officer affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Enforcement Officer. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.

Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Enforcement Officer on his objections to the proposed costs in accordance with the procedures set forth herein.

- e. **Request for Hearing.** A request for hearing shall be filed within the Department within ten (10) days of the service by mail of the Department's summary of costs, on a form provided by the Department. Within thirty (30) days of the filing of the request, and on ten (10) days written notice to the owner, the Enforcement Officer shall hold a hearing on the owner's objections, and determine the validity thereof.
- f. **Decision.** In determining the validity of the costs, the Enforcement Officer shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner acted promptly to correct the violation; and whether reasonable minds can differ as to whether a violation exists.
- g. **Appeal.** The decision of the Enforcement Officer may be appealed by filing a written notice of appeal with the Department within five (5) days after the decision. The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Enforcement Officer shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

Section 9. CIVIL ACTIONS

- a. **Injunctive Relief and Abatement.** Whenever, in the judgment of the Enforcement Officer, any person is engaged in or about to engage in any act or practice which constitutes or will constitute a violation of any provision of Riverside county ordinances or any rule, regulation, order, permit or conditions of approval, upon the request by the Enforcement Officer, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder thereof, and requiring the violator to pay civil penalties and/or abatement costs.
- b. **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully violates the provisions of Riverside county ordinances or any rule, regulation, order or conditions of approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for each day or portion thereof, that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited

to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.

Section 10. CRIMINAL ACTIONS.

It shall be unlawful for any person to violate any provision of Riverside county ordinances, or to violate any provision of any permit or conditions of approval granted pursuant to the Riverside county ordinances. Any person violating any provision of Riverside county ordinances, or any permit or conditions of approval granted pursuant to Riverside county ordinances, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of Riverside county ordinances or violation of any provision of any permit granted pursuant to this ordinance, is committed, continued or permitted.

Any person so convicted shall be (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) for a second violation on the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

Section 11. COSTS AND DAMAGES.

Any person, whether acting as a principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating any provisions of Riverside county ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by the County, its agents and agencies, as a result of such violations.

Section 12. TREBLE DAMAGES.

Upon a second or subsequent civil or criminal judgment for a violation of County Land Use Ordinances within a two year period the violator shall be liable to the County of Riverside for treble the abatement costs, in accordance with Government Code Section 25845.5.

Section 13. NOTICE OF NONCOMPLIANCE.

Whenever a notice of violation has been given, the Enforcement Officer may record a Notice of Noncompliance with the Office of the County Recorder of Riverside County and shall notify the owner of the property of such action. The Notice of Noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that any costs incurred by the County, including, but not limited to investigative, administrative and abatement costs and attorneys' fees as a result of the violation of Riverside county ordinances may become a lien on the property and that the owner has been so notified.

Section 14. PAYMENT OF ABATEMENT COSTS, PENALTIES OR DAMAGES.

- a. If payment of an award of abatement costs, penalties or damages is not made within ten (10) days of an administrative (Section 5, subdivisions i and j or Section 7, subdivision e.) or judicial determination of such costs, penalties or damages, the Enforcement Officer may file a Notice of Lien, describing the real property affected and the amount of the costs, penalties or damages claimed by the County, with the Office of the County Recorder of Riverside County. The Enforcement Officer may transmit the judgement or award of abatement costs, penalties or damages of the County Auditor, who shall place the amount thereof on the Assessment Roll as a special assessment to be paid with County taxes, unless sooner paid. A judgment or award of such costs, penalties or damages may also be enforced in any other manner provided by law.
- b. If payment of abatement costs, penalties or damages is not made within thirty (30) days after such amounts are due and payable, and after a written demand therefore has been mailed to the debtor, the Enforcement Officer may refer the debt to a collection agency licensed by the State of California in accordance with Government Code Section 26220, subdivision (a).

Section 15. RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT CASES.

In any action, administrative proceeding, or special proceeding to abate a nuisance, attorneys' fees may be recovered by the prevailing party. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.

Section 16. REMEDIES AND PENALTIES.

All remedies and penalties provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of which any violation of Riverside County ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and distinct offense.

Section 17. REPEAL OF DUPLICATE ORDINANCE SECTIONS.

The following Riverside County Ordinance Sections are hereby repealed as duplicative of the penalties and procedures prescribed by this Ordinance:

- Ordinance No. 348, Section 22.2 through and including 22.5;
- Ordinance No. 421, Section 2;
- Ordinance No. 457, Section 13;
- Ordinance No. 458, Section 9;
- Ordinance No. 460, Section 19.5 and 19.6;
- Ordinance No. 520, Section 13;
- Ordinance No. 541, Section 4 and 5;
- Ordinance No. 551, Section 15;
- Ordinance No. 559, Section 9; and,

**Section 18. PARKING VIOLATION AND PENALTIES; PROCEDURE;
CONFLICT**

- A. Except as provided in Subsection B of this Section, any violation of any regulation governing the standing or parking of a vehicle under County Land Use Ordinances occurring within the jurisdictional limits of the County is subject to a civil penalty, the enforcement of which, including procedures, remedies, and recovery of costs related to enforcement, shall be governed by the civil administrative procedures set forth in this Ordinance.

- B. If there is any conflict or variance in the requirements of this Ordinance and the applicable provisions of the Vehicle Code governing procedures for parking violation, commencing with Section 40200 et seq., the Vehicle Code shall apply in lieu thereof.

Adopted: 725 Item 3.7 of 02/02/1993 (Eff: 03/04/1993)

Amended: 725.1 Item 3.4 of 07/13/1993 (Eff: 08/12/93)

725.2 Item 3.9 of 10/18/1994 (Eff: 11/17/94)

725.3 Item 3.4 of 11/29/1994 (Eff: 12/29/94)

725.4 Item 3.1b of 11/14/1995 (Eff: 12/14/95)

725.5 Item 3.10 of 04/29/1997 (Eff: 05/29/97)

725.6 Item 3.5 of 10/07/1998 (Eff: 11/27/1998)

725.7 Item 3.18 of 09/07/1999 (Eff: 10/07/99)

725.8 Item 3.17 of 09/26/2000 (Eff: 10/26/2000)

725.9 Item 3.46 of 10/07/2003 (Eff: 11/06/2003)

725.10 Item 3.35 of 01/04/2005 (Eff: 02/03/2005)

725.10 Item 3.3 of 10/03/2006 (Eff: 11/02/2006)

725.11 Item 3.24 of 10/03/2006 (Eff: 11/02/2006)

725.12 Item 15.13 of 05/22/2007 (Eff: 06/21/2007)