

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

295



FROM: Transportation and Land Management Agency

SUBMITTAL DATE:

January 10, 2006

SUBJECT: Potential Revisions to Board of Supervisors Policy A-57 – Review of Unauthorized Businesses (Code Violations)

RECOMMENDED MOTION: Approve proposed revisions to Policy A-57 and direct affected County Departments to immediately operate in view of said revisions.

BACKGROUND: Policy A-57 provides guidelines for development-related departments relative to code enforcement timelines utilized in pursuing compliance of violations. On December 6, 2005, the Board of Supervisors directed staff to develop refinements and strengthen timelines intended to bring code violations into compliance. The attached revisions to Policy A-57 have been developed in conjunction with County Counsel, Building and Safety (Code Enforcement Division), and the Planning Department. The revisions, set out in italics, give code enforcement staff additional clear guidance on how to pursue violation in efforts to attain compliance.

Revised Policy A-57, if approved by the Board, will be made available to code violators at the time of initial Notice of Violations so that those violators will be informed as to the stringency of the County's policies related to these matters.

Departmental Concurrence

Tony Carsters, Agency Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ n/a	In Current Year Budget:	
	Current F.Y. Net County Cost:	\$ n/a		Budget Adjustment:
	Annual Net County Cost:	\$ n/a		For Fiscal Year:

SOURCE OF FUNDS: n/a	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

- Dep't Recomm.:
- Per Exec. Ofc.:
- Consent
- Consent
- Policy
- Policy

Prev. Agn. Ref.:

District: All

Agenda Number:

3.47

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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OBJECTIVE:

To provide policy guidelines for development departments to ensure the timely review of application materials for commercial and industrial uses which have been identified by the Code Enforcement Division of the Department of Building & Safety as operating without the required County approvals.

POLICY:

With the exception of commercial or industrial uses which qualify for Fast Track Processing pursuant to Board Policy A-32, all unauthorized uses which apply for County approval will be reviewed by the Unauthorized Business Review Team, which will consist of a representative from the Planning Department, Department of Building & Safety, and, when the unauthorized use is located in a Redevelopment Area, the Economic Development Agency. With the exception of the time line mentioned later in this policy and the "Team" identified for the case processing, these applications will follow the standard County procedure for case processing. All unauthorized businesses will be required to file an application for the appropriate County permit and pay all applicable fees. Any application for approval of an unauthorized business which is not accompanied by the applicable fee (or supplemental deposit) will be taken forward to the appropriate review body for immediate denial, after which the use will be subject to enforcement action pursuant to Board Policy F-5.

The filing of a permit application pursuant to this policy shall not automatically stay enforcement action. Enforcement proceedings shall continue, particularly when the public health and safety may be affected, irreparable harm to environment has or may occur, or the applicant has not diligently and expeditiously submitted or processed their permit applications.

TIME LINES:

All applications filed pursuant to this policy will be brought forward for hearing to the appropriate hearing body within six months of the Notice of Violation (except for those cases which are delinquent in paying the required fee) whether or not the applicant has supplied all of the necessary information or studies. The submittal of complete information and all necessary studies is the responsibility of the applicant and a

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lack of necessary data will not prevent any case processed by the Unauthorized Business Review Team from being processed in accordance with these policy guidelines. Suspension of enforcement action, pending processing of applicable permits /approvals, is at the prerogative of the County.

The following guidance to code enforcement staff shall apply:

1. **Notice of Violation:** Unauthorized businesses shall submit applications and pay appropriate processing fees within 30 days of the Notice of Violation.
2. **Initial Hearing:** If the applicant has paid appropriate fees, the project shall be brought forward for hearing before the appropriate body within 6 months of the Notice of Violation, whether or not the applicant has submitted all appropriate documentation.
3. **Disposition:** It will be the responsibility of the hearing body to approve, deny, or grant a time extension to the review process at the time of the Initial Hearing.
4. **Compliance Delays:** At any time (following the initial 30 day Notice of Violation) code enforcement staff, at their discretion, may determine that progress related to either code compliance or processing of the appropriate application is not proceeding in a timely manner. In that event staff may schedule the matter to be considered by the appropriate hearing body regardless of the 6-month processing time frame referenced in Item 2 above. Should the hearing body determine that the applicant is not making substantial progress, code enforcement shall pursue compliance through judicial remedy.
5. **Intent:** The intent of this guidance is that unauthorized uses shall not be able to continue to operate by drawing out the administrative mechanisms and procedures required to bring them into compliance.

Reference:

Minute Order 3.23 dated 4/23/02

Revised by Minute Order _____ dated 1/17/06

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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