

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

331



FROM: TLMA/Code Enforcement Department

SUBMITTAL DATE:
January 15, 2009

SUBJECT: Ordinance 725.13 Amending County Ordinance 725, an Ordinance of the County of Riverside, which establishes procedures and penalties for violations of Riverside County Ordinance and provides for recovery of costs reasonably related to enforcement

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt on successive weeks Ordinance No. 725.13, an Ordinance of the County of Riverside Amending Ordinance 725, which establishes procedures and penalties for violations of Riverside County Ordinance and provides for recovery of costs reasonably related to enforcement.

BACKGROUND: Once certain non-abatement related investigations are closed for compliance, the department mails a Summary of Costs to the property owner in accordance with the procedure set forth in Ordinance 725, Section 8. Currently as part of this procedure, the department must conduct the cost recovery hearing within 30 days of receipt of the hearing request. This 30 day time requirement is often difficult to comply with since the department must schedule a hearing officer and coordinate this service for a variety of administrative hearings including cost recovery, vehicle abatement and mobile home abatement hearings.

(Continued on Page 2)

John H. Boyd, Director

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Wilson and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading,

Ayes: Tavaglione, Stone, Wilson and Ashley
Nays: None
Absent: Buster
Date: February 10, 2009
xc: Code Enforce., COB

Nancy Romero
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: ATTACHMENTS FILED WITH District All Agenda Number:
THE CI FRK OF THE BOARD

3.48

FORM APPROVED COUNTY COUNSEL
 BY:
 DATE: 1/15/09
 Departmental Concurrence

Policy Policy

 Consent Consent

 Dept recurring:

Form 11 - Ordinance 725.13 Amending County Ordinance 725, an Ordinance of the County of Riverside, which establishes procedures and penalties for violations of Riverside County Ordinance and provides for recovery of costs reasonably related to enforcement

January 15, 2009

Page 2

(BACKGROUND continued):

This amendment to Ordinance 725 will adjust the 30-day time limit requirement for cost recovery hearings and allow the department to cluster these cost hearings together with the other types of administrative hearings thus utilizing our limited resources more efficiently. Currently, the department is scheduling administrative hearings at least once a month. This amendment to Ordinance 725 will adjust the hearing scheduling procedure for summary of administrative costs matters in order to mirror the hearing scheduling requirements for an administrative citation hearing as found in Ordinance 725, Section 7.

Under the procedure set forth in the ordinance, the property owner has ten days from the date of the Summary of Administrative Costs within which to request a hearing concerning such costs. This ordinance amendment will allow the department to schedule these hearings for the next available hearing date based on the approved master hearing calendar rather than intermittently scheduling hearings throughout the month as the requests are received. Under this ordinance amendment, the average length of time from a hearing request to the actual hearing will be 30-45 days.

In addition, this amendment to Ordinance 725 expands the definition of "Enforcement Officer" to include the Director of Code Enforcement.

This amendment was drafted by County Counsel.

Attachment

PREVIOUS AGENDA REFERENCES 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)

1
2
3 ORDINANCE NO. 725.13
4

5 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
6 ESTABLISHING PROCEDURES AND PENALTIES FOR VIOLATIONS OF RIVERSIDE COUNTY
7 ORDINANCES AND PROVIDING FOR REASONABLE COSTS RELATED TO ENFORCEMENT
8

9 The Board of Supervisors of the County of Riverside ordains as follows:

10 Section 1. Subsection b. of Section 1. of Ordinance No. 725 is amended to read as
11 follows:

12 “b. The term “Enforcement Officer” shall include the Director of the
13 Transportation and Land Management Agency, Building Official, Director of Code
14 Enforcement, Director of Environmental Health, Agricultural Commissioner, Fire
15 Chief, Clerk of the Board of Supervisors, Sheriff and their designees.”

16 Section 2. Subsection e. of Section 8. of Ordinance No. 725 is amended to read as
17 follows:

18 “e. Request for Hearing. A request for hearing shall be filed with the issuing
19 agency or department within ten (10) days of service by mail of the issuing agency or
20 department’s summary of costs, on a form provided by the issuing agency or
21 department. The hearing shall be held before the Enforcement Officer or his
22 designee. Written notice of the hearing shall be given at least ten (10) days before
23 the hearing to the person requesting the hearing. The notice may be delivered to the
24 person or may be mailed to the address listed in the request for hearing form.”

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 3. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:

CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM

January 15, 2009

By:  _____
TIFFANY N. NORTH
Deputy County Counsel

G:\Property\TNorth\RCO No 725 13 final.doc