

1 Director, Agricultural Commissioner, Fire Chief, Clerk of
2 the Board of Supervisors, Sheriff and their designees.

3 c. The term "person" means any natural person, firm,
4 association, club, organization, corporation, partnership,
5 business trust, company or other entity which is recognized
6 by law as the subject of rights or duties.

7 d. The term "Responsible Party" means: 1) each person
8 committing the violation or causing a condition on a parcel
9 of real property located within the jurisdiction of the County
10 of Riverside which violates a Riverside Land Use Ordinance;
11 2) each person who has an ownership interest in that
12 property; or 3) each person who, although not an owner,
13 nevertheless has a legal right or a legal obligation to exercise
14 possession and control over that property. In the event the
15 person who commits the violation or causes the violating
16 condition is a minor, then the minor's parents or legal
17 guardian shall be deemed the Responsible Party. In the
18 event the violation or violating condition is most reasonably
19 attributable to a business, then that business, to the extent it
20 is a legal entity such that it can sue and be sued in its own
21 name, and each person who is an owner of that business shall
22 be deemed Responsible Parties.

23 e. The term "abatement costs" means any costs or expenses,
24 including County staff time reasonably related to the
25 abatement of conditions which violate Land Use Ordinances,
26 and shall include, but not be limited to, enforcement,
27 investigation, summaries, reports, notices, telephonic
28 contact, correspondence, mailing expense, title search costs,

1 administrative costs including scheduling and participation at
2 hearings, Hearing Officer costs, expenses incurred by the
3 County, court costs, civil or administrative penalties,
4 collection, attorneys fees, and other costs associated with the
5 removal, abatement or correction of a violation.

6 f. The term "permit" means any document issued by the
7 County granting a person a license or right to do something,
8 including but not limited to Building Permits, Conditional
9 Use Permits, Plot Plans, Public Use Permits, Variances,
10 WECS Permit or Accessory WECS Permit or other
11 development or land use approvals or permits, or any grant
12 of authority to do a thing or maintain or otherwise use real
13 property in a manner not forbidden by law, but not allowable
14 without such authority.

15 g. The term "Administrative Hearing Officer" refers to either
16 the County Board of Supervisors, County Hearing Officer
17 established pursuant to Ordinance No. 643 or County
18 Hearing Board, as the entity conducting a hearing authorized
19 by this Ordinance and issuing a written recommendation or
20 decision.

21 Section 2. ABATEMENT OF PUBLIC NUISANCES. Any condition
22 on public or private property located within the unincorporated areas of the County of
23 Riverside which is caused, maintained or permitted to exist in violation of any provision of
24 a Land Use Ordinance shall be and the same is hereby declared unlawful and a public
25 nuisance that may be abated consistent with the procedures provided for in this Ordinance,
26 or in any other manner provided by law. Enforcement Officers are authorized to
27 investigate conditions on or pertaining to real or personal property or other activities to
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1 determine the existence of violations and to enforce Land Use Ordinances as provided for
2 herein.

3 Section 3. NON-EXCLUSIVE REMEDIES AND PENALTIES. All
4 remedies and penalties for the abatement of public nuisances provided for in this
5 Ordinance shall be cumulative and not exclusive. Enforcement by use of any
6 administrative, criminal or civil action, citation or administrative proceeding or abatement
7 remedy does not preclude the use of additional citations or other remedies as authorized by
8 other ordinance or law. Enforcement remedies may be employed concurrently or
9 consecutively. Conviction and punishment of or enforcement against any person
10 hereunder shall not relieve such person from the responsibility of correcting, removing or
11 abating a violation, nor prevent the enforced correction, removal or abatement thereof.
12 Each and every day, or any portion thereof, during which any violation of a Land Use
13 Ordinance or the rules, regulations, orders, permits or conditions of approval issued
14 thereunder is committed, continued, or permitted by such person, shall be deemed a
15 separate and distinct offense.

16 Section 4. AUTHORITY TO INSPECT. Enforcement Officers are
17 authorized to enter any real or personal property or premises within the unincorporated
18 area of the County to investigate and ascertain whether the property or premises is in
19 compliance with Land Use Ordinances, and to make any inspection as may be necessary in
20 the performance of their enforcement duties. These investigation activities may include
21 visual inspections, taking of photographs, taking samples or other physical evidence, and
22 the making of video and/or audio recordings. All such entries and inspections shall be
23 done in a reasonable manner. If an owner, lawful occupant or the respective agent thereof
24 refuses permission to enter and/or inspect, the Enforcement Officer may seek an
25 Administrative Inspection Warrant pursuant to the procedures provided by *California*
26 *Code of Civil Procedure* Section 1822.50 *et seq.* and as may be amended. All costs
27 incurred by the County in seeking and obtaining an Administrative Inspection Warrant
28 shall be recoverable as abatement costs.

1 Section 5. SUMMARY ABATEMENT. Pursuant to *California*
2 *Government Code* Section 25845(a), and as may be amended, the Enforcement Officer is
3 authorized to summarily abate public nuisances determined by the Officer to constitute an
4 immediate threat to public health, safety or welfare. If an Enforcement Officer summarily
5 abates a public nuisance, he may keep an account of the abatement costs and pursue cost
6 recovery pursuant to Section 7 of this Ordinance. In cases of summary abatement,
7 however, at the hearing to confirm the abatement costs, the Administrative Hearing Officer
8 shall also determine whether a public nuisance existed.

9 Section 6. ADMINISTRATIVE ABATEMENT-PROCEDURE. When
10 a condition on real property is deemed by the Enforcement Officer to constitute a violation
11 of a Land Use Ordinance constituting a public nuisance and existing on property within the
12 unincorporated area of the County of Riverside, the Enforcement Officer is authorized to
13 initiate an administrative abatement proceeding as follows:

- 14 a. NOTICE OF VIOLATION. A Notice of Violation shall be
15 issued to the property owner and any other Responsible Party
16 ordering the abatement of the violative condition(s) within
17 fifteen (15) days of giving notice in a manner set forth in
18 Section 9 of this Ordinance. The Notice shall specify the
19 manner in which the conditions on the property violate the
20 provisions of Land Use Ordinances and the corrective
21 actions required to abate the violation. The Notice shall also
22 state that failure to bring the property into compliance with
23 Land Use Ordinances could subject the owner and other
24 Responsible Parties to administrative, civil and criminal
25 penalties and could result in the imposition of a lien and
26 special tax assessment against the property for abatement
27 costs related to the enforcement of the Land Use Ordinances
28 and abatement of the violative conditions. The failure of the

1 Notice to set forth all required contents shall not affect the
2 validity of the proceedings.

3 b. **RIGHT OF MORTGAGEE OR BENEFICIARY TO**
4 **COMPLY IF OWNER FAILS TO DO SO.** If the property is
5 encumbered by a mortgage or deed of trust of record, and the
6 owner of the property shall not have complied with the
7 Notice of Violation on or before the expiration of fifteen (15)
8 days after service of the Notice of Violation described in
9 Subsection a. of this Section, the mortgagee or beneficiary
10 under a recorded deed of trust may, within fifteen (15) days
11 thereafter, act pursuant to the requirements of the Notice of
12 Violation.

13 c. **SECOND NOTICE.** If the Notice of Violation is not
14 complied with according to the time periods set forth in this
15 Section, the Enforcement Officer shall give a second notice
16 to all parties concerned in the same manner as set forth in
17 Section 9 of this Ordinance, which notice shall be entitled
18 "Notice of Hearing Re: Land Use Ordinance Violation(s)
19 and Abatement of Public Nuisance." The Notice shall direct
20 the property owner and other Responsible Parties to appear
21 at a hearing at a stated date, time and place to show cause
22 why the conditions on the property should not be abated.
23 The hearing shall be set not less than fifteen (15) days after
24 the posting and mailing of the second notice. The failure of
25 any property owner or any other Responsible Party to receive
26 such notice shall not affect the validity of the proceedings.

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1 d. HEARING.

2 (1) The hearing provided for in this Section shall be
3 conducted in the manner set forth in Section 10 of
4 this Ordinance and pursuant to the following:

5 a) Upon the conclusion of the hearing, the
6 Administrative Hearing Officer shall render
7 its decision not later than thirty (30) days
8 thereafter and shall make Findings and
9 Conclusions, and in the event that it so
10 concludes, it may declare the property, or the
11 conditions thereon, to be in violation of Land
12 Use Ordinances and to be a public nuisance.
13 The Administrative Hearing Officer may
14 direct the owner to abate the conditions
15 declared in violation.

16 b) The Administrative Hearing Officer may
17 further order that if the conditions declared to
18 be in violation are not abated within the time
19 frame ordered, that the conditions may be
20 abated by the County and the costs of
21 abatement shall be placed as a lien on the
22 property and may be collected by a Special
23 Tax Assessment against the property pursuant
24 to *California Government Code* Section
25 25845, and as may be amended, or by any
26 other means provided by law.

27 c) The Enforcement Officer shall issue a copy of
28 the Administrative Hearing Officer's decision

1 to the property owner and other Responsible
2 Parties concerned in the same manner as set
3 forth in Section 9 of this Ordinance, and shall
4 file a proof of service with the Clerk of the
5 Board.

6 e. **TIME TO BRING ACTION.** Unless the property owner or
7 other Responsible Party presents an action in a court of
8 competent jurisdiction within ninety (90) days after issuance
9 of the decision of the Administrative Hearing Officer
10 contesting the validity of any administrative abatement
11 proceedings leading up to and including the decision of the
12 Administrative Hearing Officer, all objections to the
13 proceedings and decision shall be deemed to have been
14 waived.

15 f. **COST RECOVERY.** All abatement costs incurred by the
16 County pursuant to this Section shall be reimbursed as set
17 forth below in Section 7 of this Ordinance.

18 Section 7. **ABATEMENT COST RECOVERY.** All abatement costs,
19 administrative costs and related penalties or assessments in any enforcement action to
20 abate public nuisances as stated shall be recovered.

21 Any person, whether acting as a principal, agent, employee, owner, lessor,
22 lessee, tenant, occupant, operator or contractor, or otherwise, who causes, allows or
23 maintains a violation of any provision of a Land Use Ordinance or the rules, regulations,
24 orders, permits or conditions of approval issued pursuant thereto, shall be liable to the
25 County of Riverside for abatement costs including, but not limited to administrative and
26 civil penalties and any other damages suffered by the County, its agents and agencies, as a
27 result of such violation.
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1 Successor owners of any real property on which an administrative, civil,
2 criminal or other abatement proceeding has commenced shall be liable to the County for
3 reimbursement of all abatement costs if any notice, as set forth in Section 14 of this
4 Ordinance, has been recorded in the Office of the County Recorder prior to transfer of
5 ownership of the real property to the successor owner.

6 Each County Department shall maintain records of abatement and
7 administrative costs incurred and associated with the processing of violations and
8 enforcement of Land Use Ordinances and shall recover such costs from the property owner
9 or other Responsible Party as provided herein or by any other legal remedy.

10 a. **STATEMENT OF ABATEMENT COSTS.** At any time
11 during the pendency of administrative, civil or criminal
12 enforcement of a violation of a Land Use Ordinance, cost
13 recovery of all abatement costs, penalties and assessments
14 may be recovered through collection, civil action or as
15 follows:

16 (1) The Enforcement Officer shall prepare a verified
17 Statement of Abatement Costs showing all abatement
18 costs, administrative costs, Administrative Citation
19 Penalties, civil penalties, assessments and attorneys'
20 fees and shall demand payment of said costs within
21 thirty (30) days.

22 (2) The Statement of Abatement Costs shall be issued to
23 the property owner and any other Responsible Party
24 in the same manner as set forth in Section 9 of this
25 Ordinance.

26 (3) Any property owner or other Responsible Party who
27 receives a Statement of Abatement Costs shall have
28 the opportunity to contest the Statement of

1 Abatement Costs by requesting a hearing. Notice of
2 the opportunity for hearing, together with a form to
3 request a hearing shall be provided with the
4 Statement of Abatement Costs.

5 b. **REQUEST FOR HEARING.** A request for hearing shall be
6 filed with the issuing County Department within fifteen (15)
7 days of service by mail of the Statement of Abatement Costs,
8 on a form provided by the issuing County Department.

9 c. **HEARING.** The hearing required by this Section shall be
10 held before the Hearing Officer as set forth in Section 10 of
11 this Ordinance and shall be conducted in the manner set forth
12 therein.

13 d. **DECISION.** In determining the validity of the abatement
14 costs, the Hearing Officer shall consider whether the
15 abatement costs are reasonable based on the circumstances
16 of the case. A copy of the decision shall be filed with the
17 Clerk of The Board of Supervisors and mailed to the
18 property owner and any other Responsible Party in the same
19 manner set forth herein at Section 9.

20 e. **ABATEMENT LIEN AND SPECIAL ASSESSMENT.** If
21 payment is not made within ten (10) days after the Hearing
22 Officer's decision is issued, the Enforcement Officer shall
23 transmit the Statement of Abatement Costs and the Hearing
24 Officer decision to the County Auditor, who shall place the
25 amount thereof on the Assessment roll as a Special
26 Assessment to be paid with County taxes, unless sooner paid.
27 At the same time, the Enforcement Officer shall file with
28 County Recorder a Notice of Abatement Lien, describing the

1 real property affected, a summary of the action taken to abate
2 the violative condition(s), if any, and the amount of the lien
3 claimed by the County.

4 f. RELEASE OF LIEN OR SPECIAL ASSESSMENT. Upon
5 payment in full of the abatement costs the Enforcement
6 Officer shall execute and record with the County Recorder a
7 release of any recorded lien. If an assessment has been
8 placed on the Assessment Roll and is thereafter paid, the
9 Enforcement Officer shall notify the County Auditor, who
10 shall cancel the assessment on the tax roll.

11 g. REIMBURSEMENT OF COSTS. The Enforcement Officer
12 is authorized to pay from funds appropriated to him the cost
13 of a title search to determine the Responsible Parties, if any,
14 mailing expenses, and abatement costs for all work done or
15 caused to be done in the abatement of the violative
16 condition(s). All such costs shall be included in the verified
17 Statement of Abatement Costs.

18 h. COLLECTION. Alternatively, if payment of the amount
19 demanded in the Statement of Abatement Costs is not
20 received within thirty (30) days, the Enforcement Officer
21 may refer the debt to a collection agency licensed by the
22 State of California in accordance with *California*
23 *Government Code* Section 26220(a), and as may be
24 amended.

25 Section 8. ADMINISTRATIVE CITATIONS AND PENALTIES. In
26 addition to other remedies and penalties contained in this Ordinance, and in accordance
27 with *California Government Code* Section 53069.4, and as may be amended, an
28 Administrative Citation may be issued by an Enforcement Officer for any violation of

1 Land Use Ordinances. The following procedures shall govern the imposition,
2 enforcement, and administrative review of Administrative Citations and Penalties.

3 a. NOTICE OF VIOLATION. If the violation is not corrected
4 within the period stated in the Notice of Violation issued
5 pursuant to Section 6, an Administrative Citation may be
6 issued by the Enforcement Officer.

7 b. CONTENT OF CITATION. The Administrative Citation
8 shall contain the following information:

9 (1) Date, location and approximate time the violation
10 was observed.

11 (2) The Land Use Ordinance violated and a brief
12 description of the violation.

13 (3) The amount of the Administrative Penalty imposed
14 for the violation.

15 (4) Instructions for the payment of the Administrative
16 Penalty, and the time period by which it shall be paid
17 and the consequences of failure to pay the
18 Administrative Penalty within this time period.

19 (5) Instructions on how to appeal the Administrative
20 Citation.

21 (6) The signature of the Enforcement Officer.

22 (7) The failure of the Administrative Citation to set forth
23 all required contents shall not affect the validity of
24 the Administrative Citation or any proceedings to
25 enforce said Citation.

26 c. SERVICE OF ADMINISTRATIVE CITATION.

27 (1) If the property owner or other Responsible Party who
28 has violated a Land Use Ordinance is present at the

1 scene of the violation, the Enforcement Officer shall
2 attempt to obtain his signature on the Administrative
3 Citation and shall personally deliver a copy of the
4 Administrative Citation to him. If the person
5 receiving the Administrative Citation is not the
6 property owner, then a copy shall be mailed to the
7 property address or the address listed for the property
8 owner on the last County Equalized Assessment Roll.

9 (2) If the property owner or other Responsible Party who
10 has violated a Land Use Ordinance is a business, and
11 the business owner is on the premises, the
12 Enforcement Officer shall attempt to deliver the
13 Administrative Citation to the business owner. If the
14 Enforcement Officer is unable to serve the business
15 owner on the premises, the Administrative Citation
16 may be left with the manager or employee of the
17 business and a copy of the Administrative Citation
18 shall also be mailed to the business owner or its
19 authorized agent.

20 (3) If no one can be located at the property, then the
21 Administrative Citation shall be posted in a
22 conspicuous place on or near the property and a copy
23 mailed to the property owner at the property address
24 or the address listed for the property owner on the
25 last County Equalized Assessment Roll or other
26 Responsible Party who has violated the Land Use
27 Ordinances at the last known address.

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1 (4) The failure of a property owner or Responsible Party
2 to receive an Administrative Citation shall not affect
3 the validity of the Administrative Citation or
4 proceedings to enforce said Citation.

5 d. ADMINISTRATIVE CITATION PENALTIES. Penalties
6 shall be assessed and considered as part of abatement costs
7 as follows:

8 (1) \$100.00 for a first violation;

9 (2) \$200.00 for a second violation of the same Land Use
10 Ordinances on the same real property within twelve
11 (12) months after the Administrative Citation for the
12 first violation is issued; and

13 (3) \$500.00 for each additional violation of the same
14 Land Use Ordinances on the same real property
15 within twelve (12) months after the Administrative
16 Citation for the first violation is issued.

17 (4) If the violation is not corrected, additional
18 Administrative Citations may be issued for the same
19 violation as authorized by Section 3 of this
20 Ordinance. The amount of the penalty shall increase
21 at the rate set forth in Subsection d.(3) of this
22 Section.

23 (5) Payment of the Penalty shall neither excuse the
24 failure to correct the violation nor bar further
25 enforcement action.

26 (6) Any penalties assessed shall be payable to the
27 County.

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1 e. APPEAL OF ADMINISTRATIVE CITATIONS AND
2 PENALTIES.

3 (1) Notice of Appeal. The recipient of an Administrative
4 Citation may appeal the validity of the Citation and
5 resulting penalties by filing a written Notice of
6 Appeal with the County Department that issued the
7 Administrative Citation. The written Notice of
8 Appeal must be filed within twenty (20) days of
9 service of the Administrative Citation as set forth in
10 Subsection c. of this Section. The Notice of Appeal
11 shall be accompanied by either an advance deposit of
12 the Penalty imposed or a Request for Advance
13 Deposit Hardship Waiver as set forth herein below.
14 Failure to properly file a written Notice of Appeal
15 within this time period shall constitute a waiver of the
16 right to appeal the Administrative Citation. The
17 Notice of Appeal shall be submitted on a form
18 provided by the County Department that issued the
19 Administrative Citation and shall contain the
20 following information:

- 21 a) A brief statement setting forth the appellant's
22 interest in the proceedings;
- 23 b) A brief statement of the material facts which
24 the appellant claims support a contention that
25 no violation exists and that no administrative
26 penalty should be imposed or that an
27 Administrative Penalty of a different amount
28 is warranted;

- 1 c) An address at which the appellant agrees that
2 notice of any additional proceeding or an
3 order relating to the imposition of the
4 Administrative Penalty may be received by
5 mail; and
6 d) The Notice of Appeal must be signed by the
7 appellant under penalty of perjury.

8 (2) Advance Deposit Hardship Waiver.

- 9 a) Any person filing a Notice of Appeal to
10 contest an Administrative Citation and who is
11 financially unable to make the advance
12 deposit of the penalty as required, may submit
13 a Request For Advance Deposit Hardship
14 Waiver with the Notice of Appeal.
15 b) The Request For Advance Deposit Hardship
16 Waiver shall be filed with the County
17 Department that issued the Administrative
18 Citation on a form provided by the same
19 County Department. The request shall be
20 documented by a sworn affidavit, together
21 with any supporting documents or materials,
22 demonstrating to the satisfaction of the
23 Enforcement Officer the person's actual
24 financial inability to deposit the full amount
25 of the Administrative Penalty in advance of
26 the hearing.
27 c) The requirement of depositing the full amount
28 of the Penalty shall be stayed for ten (10) days

1 pending a determination by the Enforcement
2 Officer of the approval or denial of the
3 Request For Advance Deposit Hardship
4 Waiver.

5 d) The Enforcement Officer shall issue a written
6 determination listing the reasons for the
7 approval or denial of the Request For
8 Advance Deposit Hardship Waiver. The
9 written determination shall be mailed to the
10 appellant at the address provided in the
11 Request.

12 e) If the Enforcement Officer denies a Request
13 For Advance Deposit Hardship Waiver, the
14 appellant shall remit the deposit to the County
15 within fifteen (15) days of the date of mailing
16 notice of the denial.

17 f) The written determination of the Enforcement
18 Officer shall be final.

19 (3) Hearing on Appeal of Administrative Citation. Upon
20 receipt of a timely Notice of Appeal of an
21 Administrative Citation, an appeal hearing shall be
22 held before an Administrative Hearing Officer to
23 consider the issuance of the Administrative Citation
24 and imposition of penalties. The appeal hearing shall
25 be conducted pursuant to the provisions set forth in
26 Section 10 of this Ordinance.

27 (4) Administrative Hearing Officer's Decision. The
28 Administrative Hearing Officer shall issue a written

1 decision following the appeal hearing which shall be
2 issued to the appellant in the manner set forth in
3 Section 9 of this Ordinance or to the appellant's
4 address set forth in the Notice of Appeal. If the
5 Administrative Citation is determined to have been
6 valid at the time of its issuance, the Administrative
7 Hearing Officer shall set the penalty amount pursuant
8 to Subsection d. of Section 8 of this Ordinance, and
9 order said penalties to be paid within fifteen (15)
10 days of issuance of the Administrative Hearing
11 Officer's decision.

12 a) The Administrative Hearing Officer is
13 authorized to order the penalties to be placed
14 as a recorded lien against the real property
15 subject to the Administrative Citation and
16 authorize the penalties to be placed as a
17 Special Assessment on the County Tax
18 Assessment Roll to be paid with County
19 taxes, unless sooner paid.

20 b) The Administrative Hearing Officer's
21 decision shall contain instructions for
22 obtaining judicial review of the decision as set
23 forth below.

24 (5) Judicial Review of Administrative Hearing Officer's
25 Decision On Administrative Citation.

26 a) Notice of Appeal of the Administrative
27 Hearing Officer's Decision. Within twenty
28 (20) days of the date of issuance of the final

1 decision, the appellant may contest an
2 Administrative Hearing Officer's decision by
3 filing an appeal in the Riverside County
4 Superior Court. The fee for filing the appeal
5 is twenty-five dollars (\$25.00) and shall be
6 paid to the Clerk of the Court. The failure to
7 file the written appeal and to pay the filing fee
8 within this period shall constitute a waiver of
9 the right to an appeal and the decision shall be
10 deemed final and confirmed. A copy of the
11 Notice of Appeal of the Administrative
12 Hearing Officer's Decision filed in the
13 Riverside County Superior Court shall be
14 served in person or by first class mail upon
15 the County Department that issued the
16 Administrative Citation by the appellant.

17 b) Conduct of Hearing. The conduct of the
18 appeal hearing is a subordinate judicial duty
19 and may be performed by traffic trial
20 commissioners and other subordinate judicial
21 officials at the direction of the Presiding
22 Judge of the Riverside County Superior
23 Court. The appeal shall be heard de novo,
24 and the contents of the file of the County
25 Department that issued the Administrative
26 Citation shall be received into evidence. A
27 copy of the Notice of Violation,
28 Administrative Citation and Hearing Officer's

1 Decision shall be admitted into evidence as
2 prima facie evidence of the facts stated
3 therein. The Court shall request that the
4 County Department's file be forwarded to the
5 Court, to be received within fifteen (15) days
6 of the request.

7 c) Judgment. The Court shall retain the twenty-
8 five dollar (\$25.00) fee regardless of the
9 outcome of the appeal. If the Court finds in
10 favor of the appellant, the amount of the fee
11 shall be reimbursed to the appellant by the
12 County in accordance with the judgment of
13 the Court. If the penalty has not been
14 deposited and the decision of the Court is
15 against the appellant, the County Department
16 that issued the Administrative Citation may
17 proceed to collect the penalty pursuant to the
18 abatement cost recovery procedures set forth
19 in this Ordinance.

20 f. COLLECTION OF ADMINISTRATIVE CITATION
21 PENALTIES WHEN NO APPEAL HEARING IS
22 REQUESTED.

23 (1) If the Administrative Citation Penalties are not timely
24 paid and no Notice of Appeal is filed by the date set
25 forth on the Administrative Citation then additional
26 costs shall be assessed by the Enforcement Officer to
27 recover administrative costs. These administrative
28 costs include, but are not limited to costs of obtaining

1 a title report, recording fees, noticing, scheduling and
2 participating in further hearings, collection activities
3 or other costs incurred to recover the Administrative
4 Citation Penalties.

5 (2) A "Notice Of Delinquent Administrative Citation
6 Penalties and Special Tax Assessment" shall be
7 issued to the property owner and other Responsible
8 Party who received the Administrative Citation in the
9 same manner as set forth in Section 9 of this
10 Ordinance. Said notice shall provide an opportunity
11 to request a hearing regarding only the amount of
12 penalties to be assessed as a special tax assessment.
13 The request for hearing shall be submitted to the
14 County Department issuing the Administrative
15 Citation within twenty (20) days of issuance of the
16 Notice of Delinquent Administrative Citation
17 Penalties and Special Tax Assessment and shall
18 include the proper form to be used to request a
19 hearing. Any hearing set pursuant to this Subsection
20 shall be conducted pursuant to Section 10 of this
21 Ordinance. If a request for hearing is not timely or
22 properly submitted, the right to a hearing concerning
23 the amount of penalties assessed shall be considered
24 waived.

25 Section 9. NOTICES. Unless otherwise specifically provided for in
26 any other Section of this Ordinance, notices shall be issued in the following manner:

27 a. SERVICE OF NOTICE. Notices required pursuant to this
28 Ordinance may be served in any of the following methods:

- 1 (1) Personal service; or
- 2 (2) By posting a copy of the notice in a visible place on
- 3 the property and mailing a copy to the property
- 4 owner as such person's name and address appears on
- 5 the last County Equalized Assessment Roll. If notice
- 6 is mailed to a Responsible Party other than the
- 7 property owner then the notice may be mailed to the
- 8 last known address. If the address of any such person
- 9 is unknown, that fact shall be stated in the copy so
- 10 mailed and it shall be addressed to the person at the
- 11 county seat. Service by mail and posting shall be
- 12 deemed complete five days after the date of deposit
- 13 in the mail and posting, whichever is later.

14 b. FAILURE TO RECEIVE NOTICE. The failure of any

15 property owner or any other Responsible Party to receive

16 such notice shall not affect the validity of the abatement

17 proceedings.

18 Section 10. ADMINISTRATIVE HEARINGS. In addition to other

19 specific hearing requirements set forth in this Ordinance, hearings shall be generally

20 conducted as follows:

21 a. NOTICE. A notice of the date, time, and place of the

22 hearing to be conducted by the Administrative Hearing

23 Officer shall be issued pursuant to the provisions of Section

24 9 of this Ordinance and filed with the Clerk of the Board.

25 The hearing shall be set not less than ten (10) days after

26 issuance of the notice.

27 b. ADMINISTRATIVE HEARING OFFICER. Pursuant to

28 *California Government Code* Section 25845 and as may be

1 amended, the hearing may be conducted by either the Board
2 of Supervisors, the County Hearing Officer or the County
3 Hearing Board as follows:

4 (1) When the Board of Supervisors conducts an
5 Administrative Hearing, the Board shall consider the
6 violations of Land Use Ordinances, abatement orders,
7 Administrative Citations, and recovery of abatement
8 costs, including if applicable, ordering the
9 Enforcement Officer to record a lien against the real
10 property subject to the abatement proceeding and
11 authorizing the costs to be placed as a Special
12 Assessment on the County Tax Assessment Rolls.
13 The Board of Supervisors shall render a written
14 decision within thirty (30) days after a hearing,
15 setting forth findings and conclusions which shall be
16 the record of the proceeding and filed with the Clerk
17 of the Board. The written decision shall be issued to
18 the property owner or any other Responsible Party
19 who requested the hearing in the manner set forth in
20 Section 9 of this Ordinance. Said decision shall
21 include also specify the time allowed for judicial
22 appeal of the decision rendered by the Board of
23 Supervisors. A decision rendered by the Board of
24 Supervisors is a final administrative determination on
25 the matter.

26 (2) The Board of Supervisors hereby delegates to the
27 County Hearing Officer the authority to conduct
28 Administrative Hearings. Said delegation shall

1 include, but shall not be limited to all matters set
2 forth in Subsection b.(1) of this Section. A decision
3 rendered by the County Hearing Officer is a final
4 administrative determination on the matter.

5 (3) The Board of Supervisors further delegates its
6 authority herein to a County Hearing Board, as may
7 be designated by the Board of Supervisors, to
8 conduct Administrative Hearings. Within fifteen (15)
9 days following the conclusion of the hearing the
10 County Hearing Board shall submit a written
11 recommendation to the Board of Supervisors
12 including any findings or conclusions pertaining
13 thereto. A copy of the written recommendation shall
14 be issued to the property owner or other Responsible
15 Party who requested the hearing and shall become the
16 record of the proceeding. The Board of Supervisors
17 may adopt the recommended decision of the County
18 Hearing Board without further notice of hearing, or
19 may set the matter for a de novo hearing before the
20 Board of Supervisors with notice thereof to the
21 property owner or other Responsible Party.

22 (4) The Administrative Hearing Officer's decision may
23 be recorded in the office of the County Recorder.

24 c. CONDUCT OF THE HEARING. At the time fixed for the
25 Administrative Hearing, the Administrative Hearing Officer
26 shall consider all relevant documents, statements, and
27 objections, written or oral, which may be submitted by the
28 County, property owner(s) or other Responsible Parties.

1 (1) A property owner or other Responsible Party may be
2 represented by another person who need not be an
3 attorney, but any such representation shall be
4 indicated on the record. Any non-attorney
5 representing a property owner or other Responsible
6 Party not present at the Administrative Hearing, shall
7 submit a verified statement sufficient to evidence the
8 consent of the absent person represented.

9 (2) The Enforcement Officer who issued the notice or
10 Administrative Citation shall not be required to
11 personally attend but may participate in the hearing.
12 Documents from the Enforcement Officer's file in the
13 case shall be admitted as prima facie evidence of the
14 facts stated therein.

15 (3) The Administrative Hearing Officer shall not be
16 limited by the technical rules of evidence.

17 (4) If the property owner or other Responsible Party
18 requesting the appeal fails to appear at the
19 Administrative Hearing, the Hearing Officer shall
20 make a determination based on the information
21 submitted.

22 d. CONTINUANCE OF THE ADMINISTRATIVE
23 HEARING. The Administrative Hearing Officer may grant
24 an extension of time to continue the hearing based on good
25 cause.

26 e. TIME TO BRING ACTION. Unless the property owner or
27 other Responsible Party presents an action in a court of
28 competent jurisdiction within ninety (90) days after issuance

1 of the final decision of the Administrative Hearing Officer
2 contesting the validity of any administrative abatement
3 proceedings leading up to and including the decision of the
4 Administrative Hearing Officer, all objections to the
5 proceedings and decision shall be deemed to have been
6 waived.

7 Section 11. CIVIL ACTIONS.

8 a. INJUNCTIVE RELIEF AND ABATEMENT. Whenever, in
9 the judgment of the Enforcement Officer, any person is
10 engaged in or about to engage in any act or practice which
11 constitutes or will constitute a violation of any provision of a
12 Land Use Ordinance or any rule, regulation, order, permit or
13 conditions of approval, the County Counsel or District
14 Attorney may commence judicial proceedings for the
15 abatement, removal, correction and enjoinder thereof, and
16 requiring the violator to pay civil penalties as set forth herein
17 below as part of the abatement costs.

18 b. CIVIL REMEDIES AND PENALTIES. Any person,
19 whether acting as principal, agent, employee, owner, lessor,
20 lessee, tenant, occupant, operator, contractor or otherwise,
21 who willfully violates the provisions of any Land Use
22 Ordinance or any rule, regulation, order or conditions of
23 approval issued thereunder by committing, causing,
24 allowing, maintaining, continuing or otherwise permitting a
25 violation of any Land Use Ordinance shall be liable for a
26 civil Penalty not to exceed \$1,000.00 for each day or portion
27 thereof, that the violation continues to exist.

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1 fine not exceeding one thousand dollars (\$1,000) or
2 six months in jail, or both.

3 (3) Notwithstanding the above, a first offense may be
4 charged and prosecuted as a misdemeanor.

5 (4) Payment of any penalty herein shall not relieve a
6 person from the responsibility for correcting the
7 violation.

8 Section 13. TREBLE DAMAGES. Upon a second or subsequent civil or
9 criminal judgment for a violation of a Land Use Ordinance within a two year period a
10 violator shall be liable to the County for treble the abatement costs, in accordance with
11 *Government Code* Section 25845.5, and as amended.

12 Section 14. RECORDATION OF NOTICES IN ABATEMENT
13 PROCEEDINGS.

14 a. NOTICE OF PENDENCY.

15 (1) Whenever the County institutes a judicial action or
16 proceeding to enforce a Land Use Ordinance, a
17 Notice of Pendency of the action or proceeding may
18 be filed with the County Recorder's Office. The
19 Notice may be filed at the time of the commencement
20 of the action or proceeding and upon recordation of
21 the Notice, shall have the same effect as a notice
22 recorded in compliance with Section 405.20 *et seq.* of
23 the *California Code of Civil Procedure*, and as
24 amended.

25 (2) Upon motion of a party to the judicial action or
26 proceeding, the Notice of Pendency may be vacated
27 upon an appropriate showing of need therefore by an
28

1 order of a judge of the Court in which the action or
2 proceeding is pending.

3 b. NOTICE OF PENDENCY OF ADMINISTRATIVE
4 PROCEEDINGS.

5 (1) Whenever a Notice of Violation has issued pursuant
6 to this Ordinance, the Enforcement Officer may
7 record a Notice of Pendency of Administrative
8 Proceedings with the Office of the County Recorder
9 and shall notify the owner of the property of such
10 action.

11 (2) The Notice of Pendency of Administrative
12 Proceedings shall describe the real property, shall set
13 forth the non-complying conditions, and shall state
14 that all current or subsequent owners of the property
15 may be liable for abatement costs pertaining to any
16 violation of Land Use Ordinances and that the
17 abatement costs may be affixed as a lien and special
18 tax assessment on the real property.

19 (3) A Release of Notice of Pendency of Administrative
20 Proceedings may be recorded after the Enforcement
21 Officer has confirmed that each violation described in
22 the Notice of Pendency of Administrative
23 Proceedings has been abated and all related
24 abatement costs have been reimbursed to the County.

25 (c) NOTICE OF NON COMPLIANCE. Any Notice of Non
26 Compliance issued or recorded by the Enforcement Officer
27 in abatement proceedings prior to the effective date of this
28 Ordinance Amendment shall remain in full force and effect.

1 Section 15. RECOVERY OF ATTORNEYS' FEES IN ABATEMENT
2 PROCEEDINGS. In any action, administrative proceeding, or other proceeding to abate a
3 nuisance pursuant to this Ordinance or to collect costs or penalties associated thereto,
4 attorneys' fees may be recovered by the prevailing party. In no action, administrative
5 proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party
6 exceed the amount of reasonable attorneys' fees incurred by the County in the abatement
7 action or proceeding.

8 Section 16. PARKING VIOLATION AND PENALTIES;
9 PROCEDURE; CONFLICT

10 a. ENFORCEMENT. Except as provided in Subsection b. of
11 this Section, any violation of any regulation governing the
12 standing or parking of a vehicle under a Land Use Ordinance
13 occurring within the jurisdictional limits of the County is
14 subject to a civil or Administrative Penalty, the enforcement
15 of which, including procedures, remedies, and recovery of
16 costs related to enforcement, shall be governed by this
17 Ordinance.

18 b. VEHICLE CODE GOVERNS. If there is any conflict or
19 variance in the requirements of this Ordinance and the
20 applicable provisions of the *California Vehicle Code*
21 governing procedures for parking violations, commencing
22 with Section 40200 *et seq.*, the *California Vehicle Code* shall
23 apply.

24 Section 17. SEVERABILITY. If any provision, clause, sentence,
25 paragraph or provision of this Ordinance or the application thereof to any person or

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1 circumstance shall be held invalid, such invalidity shall not affect the other provisions of
2 this Ordinance which can be given effect without the invalid provision or application, and
3 to this end, the provisions of this Ordinance are hereby declared to be severable.”

4 Section 2. This Ordinance shall take effect thirty (30) days after its adoption.

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

8 By: _____
9 Chairman

10 ATTEST:

11 CLERK OF THE BOARD

12 By: _____
13 Deputy

14 (SEAL)
15

16
17
18 APPROVED AS TO FORM:

19 March 10, 2011

20
21 By:  _____
22 RATTLE SMITH
Deputy County Counsel

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