

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



ITEM: 3.29
(ID # 14302)

MEETING DATE:
Tuesday, February 02, 2021

FROM : TLMA-CODE ENFORCEMENT:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/CODE ENFORCEMENT: Re-building the Riverside County Code Enforcement Department: Adopt the revised Board Policy F-5, Code Enforcement Strategies, clarifying code enforcement strategies and priorities for the unincorporated area of Riverside County. All Districts. [\$3,000 Total Cost - Code Abatement Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **Adopt** the attached revised Board Policy F-5, Code Enforcement Strategies, which updates and clarifies the priorities and application of Board Policy F-5 consistent with the action taken by the Board of Supervisors on April 10, 2007.

ACTION: Policy

Charissa Leach, Interim TLMA Director

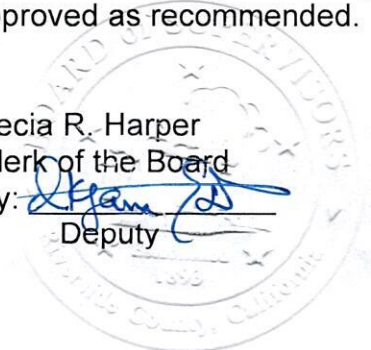
1/26/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: February 2, 2021
xc: Code Enforcement

Kecia R. Harper
Clerk of the Board
By:
Deputy



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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 3,000	\$ 0	\$ 3,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% Code Abatement Fund			Budget Adjustment: No	
			For Fiscal Year: 20/21	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On April 10, 2007 the Board of Supervisors adopted an updated Board Policy F-5 related to, the then, Building and Safety, Code Enforcement Division Strategies and priority setting. The update was important to not only establish minimum standards and strategies to guide the actions of Code Enforcement staff, but to create a balance between priority expectations and strategies with the level of funding provided to the Code Enforcement Division.

In an effort to achieve this balance within the now, TLMA Code Enforcement (“Department”) is seeking the Board’s approval of the attached revised Board Policy F-5. The Department has experienced a substantial decline of personnel due to reductions in County General Fund since FY 08/09. The Department had a total of 135 staff in FY 08/09 which has now decreased to 54 staff positions in FY 20/21. The Department is tasked with enforcing 32 County ordinances in the unincorporated areas of the County.

In order to provide clarity, staff is proposing these revisions to Board Policy F-5 to reflect the intent of the Board of Supervisors’ action on April 10, 2007 and as part of the Code rebuild, the updated Board Policy F-5 provides greater predictability and transparency to the public, implements a consistent and systematic approach to code enforcement and sets expectations for initial and follow-up investigations.

Impact on Residents and Businesses

Code Enforcement plays a critical role in preserving the quality of life of our unincorporated communities. Critical functions of the Department include, but are not limited to, enforcing against the following land use violations: accumulated rubbish, excessive outside storage, inoperative or abandoned vehicles, substandard structures, open and unprotected excavations, zoning violations, construction or grading without permits, unlawful cannabis dispensaries and cultivation, and State and Federal Water Quality Control Acts.

The Department will continue to work with individuals and business owners on ‘compliance first’ based strategies to achieve voluntary compliance.

Additional Fiscal Information

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The cost to prepare and process this Board Policy amendment is approximately \$3,000; sufficient funds are available in the Department's current fiscal year budget.

ATTACHMENTS

ATTACHMENT A – Updated Board Policy F-5

ATTACHMENT B – Original Board Policy F-5



Jason Farin, Principal Management Analyst 1/26/2021



Gregory V. Priarios, Director County Counsel 1/7/2021

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Purpose:

The Board of Supervisors recognizes the need for the TLMA Code Enforcement Department to establish, maintain and update policies to bring about the uniform enforcement of County Ordinances and State laws, countywide, in a consistent manner relating to investigations of violations. It is the intent of this policy to establish minimum standards and strategies to guide the response actions of Code Enforcement staff members, and to provide for periodic review and update of this policy to ensure that Code Enforcement strategies match the level of funding provided to the Code Enforcement Division.

The County's policy is to achieve voluntary compliance with reported and substantiated code violations. Voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than a needed encroachment action. In general, a Code Officer may issue a 30-day 'Advisory Notice' to the property owner and/or any other responsible party before issuing a Notice of Violation unless the violation requires an immediate correction to protect public health and safety. When compliance is unreasonably delayed or not achieved, it is critical for the County to continue moving forward with a Notice of Violation. However, not all code violations have the same degree of severity. The intent of this policy is to allow the level of enforcement that is appropriate for the type and circumstances of the code violation(s) based on objective criteria, established priorities, and available resources.

The overarching desire is to investigate and attempt to resolve all reported verified code violations. However, there may be times when code violations cannot be given the same level of attention, due to limited staffing resources and large numbers of cases. In such circumstances the most serious violations, as determined through application of the priorities and criteria in this section will be addressed before the less serious violations are addressed, regardless of the order in which the complaints are received. Complaints involving both priority and non-priority violations may be processed together to maximize efficiency.

Policy:

As complaints regarding alleged violations of County Ordinances or State laws are received by the TLMA Code Enforcement Department, officers shall refer to and comply with the response and investigating guidelines provided for within the Board Policy F-5 Attachment A.

Attachment A is not intended to capture every case type with a priority label but simply illustrates a map that Code Enforcement Staff can refer for prioritizing cases. At the discretion of Code Enforcement staff, complaints may be processed in any order that maximizes efficiency. Complaints concerning a particular type of code violation such as occurring in a particular geographic area may be processed together, regardless of the order in which the complaints are received.

The TLMA Code Enforcement Department will, review and update the information provided within the Board Policy F-5 Attachment A, periodically as circumstances warrant; to reflect changes in resources, new or modified legislation, and revised community needs.

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Reference:

Minute Order 3.23 of 04/23/02Minute

Order 3.3 of 04/10/07

Minute Order X.XX of XX/XX/20

Attachment: Attachment A - TLMA CODE ENFORCEMENT – ENFORCEMENT STRATEGIES

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Attachment A CODE ENFORCEMENT STRATEGIES

<p>Priority 1 (Imminent Hazards) Cases that pose imminent health and safety hazards or constitute significant code violations are given highest priority because they have the highest potential result in significant harm to a community. Priority 1 reports should be initially investigated within 24-hours of the report being made. Examples include, but are not limited to:</p>
<ul style="list-style-type: none"> • Dangerous unsafe buildings – Imminent collapse
<ul style="list-style-type: none"> • Fire risks – unpermitted storage of combustible materials/mulch
<ul style="list-style-type: none"> • Illicit discharge/NPDES/Storm water - active
<ul style="list-style-type: none"> • Unoccupied / Distressed Housing complaints - Substandard Structure
<ul style="list-style-type: none"> • Open foundations/excavations
<ul style="list-style-type: none"> • Swimming Pools - secure and proper fencing (safety)
<ul style="list-style-type: none"> • Electrical Issues – hazardous/exposed
<ul style="list-style-type: none"> • Homeless encampments – persons in buildings without water/sewer, camping w/o water/sewer, etc.
<ul style="list-style-type: none"> • Unpermitted cannabis cultivation in residential areas – Substandard construction, and electrical work
<ul style="list-style-type: none"> • Unpermitted cannabis retailers
<ul style="list-style-type: none"> • Open, vacant buildings (fire hazard, attractive nuisance, vagrant activity)
<ul style="list-style-type: none"> • Filling of Wetlands, altering a creek, dumping in a creeks/wetlands
<ul style="list-style-type: none"> • Unpermitted special event in progress (safety, noise, parking, etc.)
<p>Priority 2 (Health & Safety/Public Nuisances) While Priority 1 issues have the highest priority immediate response, Priority 2 reports should be initially investigated within 20 business days of the report being made or as time permits after addressing Priority 1 cases. Examples include, but are not limited to:</p>
<ul style="list-style-type: none"> • Construction without required permits (conditions that do not rise to the level of an imminent hazard)
<ul style="list-style-type: none"> • Unpermitted land use activity
<ul style="list-style-type: none"> • Moving manufactured/mobile homes on property without permits
<ul style="list-style-type: none"> • Substandard Mobile Home
<ul style="list-style-type: none"> • Occupied Recreational Vehicle(s) outside designated campgrounds
<ul style="list-style-type: none"> • Unpermitted special event venues
<ul style="list-style-type: none"> • Grading or stockpiling without required permits and approvals
<ul style="list-style-type: none"> • Illicit discharge/NPDES/Storm water – non-active
<ul style="list-style-type: none"> • Accumulated Rubbish
<ul style="list-style-type: none"> • Excessive outside storage
<ul style="list-style-type: none"> • Inoperable/Abandoned vehicles
<ul style="list-style-type: none"> • Illegal dumping
<ul style="list-style-type: none"> • Illegal vending

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Priority 3 (Neighborhood Preservation/Quality of Life)
Priority 3 reports should be initially investigated within 30 business days of the report being made, or as time permits after addressing Priority 1 and 2 cases. Examples include, but are not limited to:
• Multiple complaints received on the same property or there is community interest in the violation expressed by the receipt of multiple complaints from separate individuals or by a complaint by a citizen group
• Homeless Outreach – Not rising to the level of Public Health and Safety
• Failure to meet entitlement conditions of approval
• Unapproved use occurring for the zone
• Excessive animals
• On-going excessive Noise
• Graffiti
• Parking Enforcement

At the discretion of Staff Code violation cases not normally listed as high priority violations may be moved to high priority status if they have one or more of the following aggravated circumstances:

1. The actions leading to the violation(s) were deliberate;
4. The physical size or extent of the violation is significant;
5. The violation has existed uncorrected for a significant period;
6. There is a previous history of complaints and code enforcement on the subject property and/or with the alleged code violator;
7. The relative benefit of code enforcement outweighs its cost such as correction should be quick and inexpensive to accomplish;
8. After reasonable efforts have been made, there is little likelihood of obtaining voluntary compliance;
9. The violation is flagrant and visible to the public.

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OBJECTIVE :

The Board of Supervisors recognizes the need to establish policies for the Department of Building and Safety, Code Enforcement Division, to bring about the uniform enforcement of County Ordinances and State laws in a consistent manner countywide regarding investigations of both commercial and residential violations. It is the intent of this policy to establish minimum standards and strategies to guide the actions of Code Enforcement staff members, and to provide for an annual review and update of this policy to ensure that Code Enforcement strategies match the level of funding provided to the Code Enforcement Division.

POLICY:

As complaints regarding alleged violations of County Ordinances or State laws are received by the Code Enforcement Division of the Department of Building & Safety, investigators shall refer to and comply with the investigating and action guidelines provided for on the Board policy F-5 Attachment.

Annually, the Code Enforcement Division will, concurrent wit the County's Budget review and update the information provided in Attachment A revisions to this Attachment will reflect changes to funding levels, new or modified legislation, and revised community needs, and will be adopted by the Riverside County Board of Supervisors annually along with the Code Enforcement Division budget

Board Policy F-5 Attachment is incorporated into this policy by reference.

Reference:

Minute Order 3.23 of 04/23/02

Minute Order 3.3 of 04/10/07

Attachment: Attachment 5B "Code Enforcement-Enforcement Strategies"

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Attachment 5B

Code Enforcement-Enforcement Strategies General Fund Level: \$3.2 million

Violation Category	Commercial/ Industrial	Residential	Action(s)	Response time goals
Tier 1	<ul style="list-style-type: none"> ✓ Hazardous Occupancy (imminent threat) ✓ Use denied Planning approval ✓ Tier 2 use which is denied, withdraws, or refuses to apply for Planning approval after two citations 	<ul style="list-style-type: none"> ✓ Imminent threat to public safety (unsafe utilities, unstable building, blocked watercourse unfenced pool) ✓ Grading in habitat without the required permit 	<ul style="list-style-type: none"> ✓ Disconnect utilities ✓ File with County Counsel for Civil Injunction/ Restraining Order ✓ Summary Abatement 	Immediate response (within 24 hours)
Tier 2	<ul style="list-style-type: none"> ✓ Unauthorized use with 15 or more Employees ✓ Unauthorized use located on a State Hwy, Expressway or major County arterial road ✓ Tier 3 use which is denied or refuses to apply for Planning approval after three citations 	<ul style="list-style-type: none"> ✓ Five or more abandoned vehicles/auto wrecking ✓ Large junk yard/excess outside storage (greater than 500 square feet) ✓ Substandard structure or mobile home ✓ Construction without the required permit ✓ Grading (non - habitat) without the required permit ✓ Flood plain encroachment 	<ul style="list-style-type: none"> ✓ Notice of Violation with a 15 day follow up inspection ✓ Citations (2) Expedited review of business application (Board Policy No. A-57) by Unauthorized Business Review Team ✓ Standard abatement procedures 	Initial site investigation within 30 days of complaint receipt

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Attachment 5B

Code Enforcement-Enforcement Strategies General Fund Level: \$3.2 million

Violation Category	Commercial/ Industrial	Residential	Action(s)	Response time goals
Tier 3	<ul style="list-style-type: none"> ✓ Unauthorized home occupations ✓ Unauthorized uses (not located on a State Hwy, Expressway or major County arterial road) ✓ Non-compliance with Conditions of Approval 	<ul style="list-style-type: none"> ✓ Excessive number/ unauthorized animal ✓ Small junk yard/excess storage (less than 500 square feet) ✓ Occupied recreational vehicle ✓ Unauthorized parking of vehicles offered for sale ✓ Other zoning violations 	<ul style="list-style-type: none"> ✓ Notice of Violation with a 30 day follow up inspection ✓ Citations (3) ✓ Standard processing through Planning Dept. 	<p>Initial investigation within 60 days of complaint receipt or as staff time becomes available after addressing Tier 1 and 2 cases</p>