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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, APPROVING THE REPORT, ASSESSING THE COSTS AND ESTABLISHING LIENS AGAINST PARCELS OF REAL PROPERTY IN THE CITY OF RIVERSIDE RELATING TO UNPAID ADMINISTRATIVE COSTS PURSUANT TO CHAPTER 1.17 OF THE RIVERSIDE MUNICIPAL CODE.

WHEREAS Article XI, Section 7 of the California Constitution grants counties and cities authority to make and enforce local ordinances pursuant to their police power; and

WHEREAS Section 53069.4 of the Government Code authorizes the legislative body of a local agency to pass an ordinance that makes any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty; and

WHEREAS pursuant to Section 53069.4 of the Government Code, the City of Riverside has enacted Chapter 1.17 of the Riverside Municipal Code to govern the imposition, enforcement, collection and administrative review of assessed administrative costs; and

WHEREAS Section 36901 of the California Government Code and Section 2929.3 of the California Civil Code authorizes a city to impose administrative fines and penalties and for violations of city ordinances; and

WHEREAS, the rights and remedies provided in Section 2929.3 of the California Civil Code are cumulative and in addition to any other rights and remedies provided by law and does not preempt local ordinances; and

WHEREAS, Riverside Municipal Code Section 1.17.300 authorizes the assessment of administrative costs as an additional code enforcement remedy; and

WHEREAS, Riverside Municipal Code Section 1.17.300 authorizes the assessment of costs on a parcel for violations of any provision of the Municipal Code; and

WHEREAS, Riverside Municipal Code Section 1.17.330 authorizes the assessment of any reasonable administrative costs as set forth in the itemized statement on the Administrative Civil Penalties Notice and order; and

1 WHEREAS, Riverside Municipal Code Section 1.17.300 authorizes the Administrative  
2 Hearing Officer, after review of the evidence, to issue an Administrative Enforcement Order  
3 setting forth the terms for compliance as well as awarding administrative costs; and

4 WHEREAS, Section 1.17.090 of the Riverside Municipal Code provides that  
5 administrative costs shall be a debt to the City and subject to all remedies for debt collection as  
6 allowed by law; and

7 WHEREAS, Section 1.17.090 of the Riverside Municipal Code authorizes unpaid  
8 administrative costs to be placed on the regular tax rolls for collection in the same manner as an  
9 ad valorem tax without further hearing; and

10 WHEREAS, a public hearing was held on July 7, 2020, by the City Council of the City of  
11 Riverside.

12 NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,  
13 California, as follows:

14 Section 1: That Administrative Notice and Orders were sent to each owner of various  
15 affected properties located within the City of Riverside advising each such property owner of the  
16 violations, the remedial action required to permanently correct outstanding violations and the  
17 time frames for completion.

18 Section 2: That after the time limit for compliance as set forth in such notice and order  
19 expired, a Notice of Hearing was sent to each owner of various affected properties located within  
20 the City of Riverside giving the property owner the opportunity to provide evidence and  
21 testimony before the Administrative Hearing Officer.

22 Section 3: That the Administrative Hearing Officer has issued Administrative Costs to  
23 each owner of the various affected properties located within the City of Riverside.

24 Section 4: That no appeals have been filed pursuant to Section 1.17.380 of the Riverside  
25 Municipal Code.

26 Section 5: That invoices were sent to each affected property owner setting forth the costs  
27 of abatement including the administrative costs.

28 Section 6: That it be and is hereby found and determined by the City Council that the

1 administrative costs assessed against parcels of land located within the City of Riverside  
2 described in Exhibit D, attached hereto and incorporated herein by this reference, were assessed  
3 pursuant to Chapter 1.17 of the Riverside Municipal Code.

4 Section 7: That the report and accounting setting forth the charges was prepared in full  
5 compliance with the applicable requirements of Chapter 1.17 of the Riverside Municipal Code  
6 and is thereby in compliance with the laws pertaining to the levy of the subject costs and said  
7 costs are based on the actual cost to abate the nuisance and is levied without regard to property  
8 valuations.

9 Section 8: That the above-mentioned report and account be and the same is hereby  
10 confirmed and the administrative costs on each of the parcels of land described in said Exhibit D,  
11 as said costs are set forth therein, be and the same are hereby charged and assessed as liens upon  
12 the respective parcels of land, as such parcels are shown on the last available assessment roll of  
13 the County of Riverside, to be collected for the 2020/2021 tax year.

14 Section 9: That the owner of each parcel of land described in Exhibit D be ordered to pay  
15 said assessment as described therein as directed by the Tax Collector of the County of Riverside.

16 Section 10: That the City Clerk shall prepare and file with the County Recorder and  
17 County Auditor of the County of Riverside a certified copy of this resolution, including Exhibit  
18 D.

19 Section 11: That the administrative costs against any parcel listed in Exhibit D assessed  
20 by this resolution and the lien created thereby shall be deemed discharged and released upon the  
21 payment of said parcel of the property taxes for the tax year above noted.

22 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

23  
24 \_\_\_\_\_  
25 WILLIAM RUSTY BAILEY III  
26 Mayor of the City of Riverside

27 Attest:

28 \_\_\_\_\_  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City  
3 at its meeting held on the \_\_\_\_ day of \_\_\_\_, 2020, by the following vote, to wit:

4 Ayes:

5 Noes:

6 Absent:

7 Abstain:

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of  
9 the City of Riverside, California, this \_\_\_\_ day of \_\_\_\_, 2020.

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11 \_\_\_\_\_  
12 COLLEEN J. NICOL  
13 City Clerk of the City of Riverside  
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