

Article 3: Recovery of Code Enforcement Penalties and Costs

Division 2: Code Enforcement Liens

(“Judicial Remedies” added 1-8-1990 by O-17408 N.S.)

(Retitled to “Code Enforcement Liens”

on 8-10-1993 by O-17956 N.S.)

§13.0201 Code Enforcement Liens—Procedures

Division 2 of Article 3 of Chapter 1 governs the procedures relating to the recordation of Code Enforcement Liens.

(“Code Enforcement Liens—Procedures “renumbered from Sec. 13.0420 and amended 8-10-1993 by O-17956 N.S.)

§13.0202 Declaration of Purpose

The Council finds that recordation of Code Enforcement Liens will assist in the collection of civil penalties, abatement costs, administrative costs and reinspection fees assessed by administrative citations, administrative hearings, judicial orders and other appropriate code enforcement actions. The Council further finds that collection of civil penalties, costs and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City’s code enforcement system. The procedures established in this Division shall be used to complement existing administrative or judicial remedies which may be pursued to address violations of the Municipal Code or applicable state codes.

(Renumbered from Sec. 13.0421, retitled to “Declaration of Purpose” and amended 8-10-1993 by O-17956 N.S.)

§13.0203 Procedures—Generally

- (a) Once a final administrative decision or judicial order establishes the amount of civil penalties, abatement costs, administrative fees and costs assessed against a Responsible Person for code violations, the Director may record a Code Enforcement Lien against any real property owned by the Responsible Person.
- (b) Before recordation, the Director shall provide to the Responsible Person a written notice informing him or her that a Code Enforcement Lien will be recorded unless the City receives full payment for the outstanding amount of

civil penalties, costs and fees within the time period prescribed in the notice. Payment shall be due a minimum of ten (10) calendar days from the date of the mailing.

- (c) The Director shall serve this notice by any one of the methods of service set forth in Section 11.0301 of this Code.
- (d) If the Director does not receive payment of the outstanding civil penalties and costs within the prescribed time period, the Director may record the Code Enforcement Lien.
- (e) The Code Enforcement Lien shall include the name of the Property Owner and any affected financial institution, assessor's parcel number, the parcel's legal description, the total amount of civil penalties, costs and fees due, including a breakdown of penalty assessments and reimbursement for the City's administrative costs, and a copy of the administrative or judicial order which awarded the civil penalties, costs and fees.
- (f) A copy of the recorded Code Enforcement Lien shall be served upon the Responsible Person by one of the methods of service set forth in Section 11.0301 of this Code.
- (g) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding civil penalties.

("Procedures—Generally" renumbered from Sec. 13.0423 and amended 8-10-1993 by O-17956 N.S.)

§13.0204 Nuisance Abatement Lien

The Director may assess a nuisance abatement lien pursuant to Government Code Section 38773.1 by following the procedures set forth in this Division for Code Enforcement Liens and the requirements set forth below:

- (a) Prior notice shall be served upon the owner of the parcel abated by the City before recordation of lien.
- (b) Prior notice shall be served in the same manner as a summons in a civil action.
- (c) If the owner cannot be found after a diligent search, the notice can be posted on the property for a period of ten (10) calendar days and the notice must be published in a general circulation newspaper.

- (d) A nuisance abatement lien shall be recorded in the County Recorder's Office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.
 - (1) A nuisance abatement lien shall specify the amount of the lien, the name and address of the responsible City Department, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.
 - (2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in Section 13.0204(d)(1) shall be recorded by the Director.
- (e) A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment.
- (f) The City may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.
("Nuisance Abatement Lien " added 8-10-1993 by O-17956 N.S.)