

2004-2005 GRAND JURY REPORT

Riverside County Code Enforcement

Background

Code Enforcement and Planning are two functions within the Transportation and Land Management Agency (TLMA). Code Enforcement is responsible for identifying property code violations within the unincorporated areas of the county and subsequent enforcement to correct the violations. Planning Department responsibilities include, processing zoning change requests, issuing permits for land use changes, and interaction with other agencies to safely and legally effect these changes. The Planning Department also serves as advisers to the Board of Supervisors on public hearings pertaining to amendments of the General Plan and rezoning of large land tracts.

Code Enforcement maintains three (3) District Code Enforcement Offices located in Rubidoux, Indio and Murrieta; two (2) Satellite Offices in Banning and Lake Elsinore; and an Administrative Office in Riverside. There are approximately fifty (50) personnel in Code Enforcement, of which thirty-three (33) are Code Enforcement Officers or Senior Code Enforcement Officers.

The projected revenue for fiscal year 2004-2005 is \$1,784,645. The projected operating expense for the same period is \$6,168,821. The difference of \$4,384,176 is provided from the County General Fund. In addition, Office of County Counsel also budgets \$645,667 annually to render legal services to Code Enforcement.

Code violations include illegal signs, abandoned vehicles, excess outside storage, trash, debris, illegal grading and other items of public nuisance. Riverside County Ordinance No. 725.8 outlines the established procedures and penalties to be followed by Code Enforcement.

Code Enforcement issues a Code Violation Notice when an offense is first investigated. The notice advises the property owner and/or tenant that the violation must be corrected within thirty (30) days or a fine will be issued if the property is not brought into compliance. After the thirty-day period if the property is still not in compliance Code Enforcement may issue a citation of \$100 in an attempt to force the property owner and/or tenant to correct the violation. Code Enforcement may issue subsequent citations of \$200 and \$500 for the second and third violations within one (1) year of the first citation.

If the property owner still does not correct the code violation, Code Enforcement can request a public hearing before the Board of Supervisors. Upon completion of the hearing, the Board of Supervisors can order the property owner to comply with the order within ninety (90) days or face a County enforced abatement process. The property owner and/or tenant is informed they will pay for all removal expenses and administrative costs. When an abatement is ordered by the Board of Supervisors, TLMA

issues a Request for Proposal. A contract/purchase order is eventually awarded to the lowest bidding licensed contractor for removal of all items that are in violation. A provision of the contract requires the value of any salvage material be credited to the County and to the property owner to offset a portion of the costs of abatement.

If the property is still in non-compliance, a Code Enforcement Officer may request a Seizure Warrant from the Office of County Counsel who then submits it to a Court for approval. Prior to the execution of the Seizure Warrant, Code Enforcement may request assistance from other County Departments, e.g., Fire Marshal, Hazardous Materials, Sheriff, etc. In cases where the property owner refuses to allow Code Enforcement and the contractor onto the premises, Code Enforcement can request Office of County Counsel to issue an additional warrant, which allows forcible entry onto the premises.

Upon completion of the abatement, the Code Enforcement Supervisor under *penalty of perjury* prepares and signs an Execution and Return of Seizure Warrant. This document certifies that all items listed in the warrant were removed from the property and disposed of lawfully. The Code Enforcement Supervisor prepares a statement of expenses and forwards it to the Office of County Counsel. The total administrative and abatement expenses in connection with each case are submitted to the Deputy Administrator of Code Enforcement. The Deputy Administrator sends the statement of expenses to the County Assessor's Office who then places a Special Tax Assessment on the property.

Findings

1. The Grand Jury reviewed a document in which a Code Enforcement Supervisor certified to the court under *penalty of perjury*, that all items listed in the Seizure Warrant had been removed from the owner's property and disposed of lawfully. Grand Jury investigation revealed that in fact, all items listed were not removed and no hazardous materials were abated from the property.
2. Property owners may request a zoning change through the Planning Department to bring the property into compliance. The Grand Jury has found that the Planning Department allows these requests to remain in its Land Management System for months, and sometimes years, before being addressed. In several instances it was found that property abatement goes forward before the Planning Department addresses the zoning change requests.
3. When Code Enforcement schedules an abatement walk-through of a property with a licensed contractor, an inventory list of items to be removed is rarely supplied to the contractor. Without documentation, Code Enforcement cannot be certain that all items requested to be removed by the execution of Seizure Warrant were actually taken.

4. Testimony from several contractors revealed that Code Enforcement told them to take everything including salvageable materials to a waste disposal site. However, the standard purchase order that TLMA issues to contractors to remove debris, excessive outside storage, etc., clearly states, *“All salvaged items shall be itemized in a list presented to the county. The value of the salvaged items shall offset the cost charged to the county for abatement.”* Contractors are not reimbursing the county after removing salvageable materials from an abated property.
5. During an abatement case, eighty (80) tons of scrap metal were taken to a salvage yard and the contractor received a payment of \$2,999.55 for the material. Similar cases have been discovered that total over \$6,600. As of June 2005, no payments have been received by the county.
6. The property owner is not advised that monies reimbursed from salvageable materials may help offset the abatement costs.
7. When hazardous material is identified by Code Enforcement during a joint venture between county departments while executing an abatement order, no policy exists in the Code Enforcement Policy and Procedure Manual identifying the agency responsible to ensure the safe and lawful removal of the hazardous material.
8. The Code Enforcement process can take two to three years, sometimes longer, from the time of the original code violation until abatement has been accomplished.
9. The Grand Jury investigation revealed that Code Enforcement Officers have given conflicting advice to property owners regarding zoning changes.
10. In a particular case, the property owner was given an additional citation for items that were already specifically listed for removal in the execution of a Seizure Warrant.
11. Code Enforcement has an effective Vehicle Abatement Program that has a line item in the budget for salvage material. However, no budget line item exists for other salvageable materials to credit funds back to the county.

Recommendations:

**Riverside County Board of Supervisors
Riverside County Transportation and Land Management Department
Riverside County Code Enforcement Department**

1. When replying to the court that a Seizure Warrant has been lawfully executed, the Code Enforcement Supervisor must confirm that all listed items have been removed.

2. The Planning Department must comply with established Board of Supervisors Policy A-57 (Attachment "A") when a code violation exists on a property and a zoning change has been requested by the owner. The policy states that all applications will be brought forward for hearing within six (6) months of the initial application.
3. Code Enforcement develop and implement a policy, which provides the abatement contractor with an inventory of all items to be removed from a property with copies to the property owner and case file.
4. Code Enforcement Officers present during property abatement must ensure that the contractor removes all items in violation and oversees that all salvageable items are identified and disposed of, as required by the terms of the purchase order issued by TLMA.
5. All monies received by a contractor for salvaged material must be remitted back to the county and subsequently to the property owner to help offset some of the costs of abatement.
6. The property owner must be advised of potential reimbursement from the County when salvageable items are identified during a property abatement.
7. Costs for abatement must be included in the contractor's bid when potentially hazardous materials are identified on a property. Subsequently, a definite policy must be established and implemented which identifies the agency responsible for safe removal when hazardous materials are abated.
8. A uniform time process of one (1) year must be implemented when a Code Enforcement Officer issues a Notice/Citation, to ensure a timely closure of the case. Code Enforcement must modify their database to alert the Director of Code Enforcement of all open cases, which have exceeded a specific time period of ninety (90) days.
9. Code Enforcement Officers must refer all requests for information on zone changes from the owner to the Planning Department.
10. If a particular item is listed in a Seizure Warrant it must be removed without the issuance of an additional citation.
11. TLMA must establish a line item to account for money received from contractors for salvageable materials. An additional line item is needed to show reimbursement to the property owner.

Report Delivered: 06/27/05

Report Public: 06/29/05

Report Response Due: 09/26/05

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

REVIEW OF UNAUTHORIZED BUSINESSES

Policy
Number
A-57

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OBJECTIVE:

To provide policy guidelines for development departments to ensure the timely review of application materials for commercial and industrial uses which have been identified by the Code Enforcement Division of the Department of Building & Safety as operating without the required County Approvals.

POLICY:

With the exception of commercial or industrial uses which qualify for Fast Track Processing pursuant to Board Policy A-32, all unauthorized uses which apply for County approval will be reviewed by the Unauthorized Business Review Team, which will consist of a representative from the Planning Department, Department of Building & Safety, and, when the unauthorized use is located in a Redevelopment Area, the Economic Development Agency. With the exception of the time line mentioned later in this policy and the “Team” identified for the case processing, these applications will follow the standard County procedure for case processing.

All unauthorized businesses will be required to file an application for the appropriate County permit and pay all applicable fees. Any application for approval of an unauthorized business which is not accompanied by the applicable fee (or supplemental deposit) will be taken forward to the appropriate review body for immediate denial, after which the use will be subject to enforcement action pursuant to Board Policy F-5.

TIMELINES:

All applications filed pursuant to this policy will be brought forward for hearing to the appropriate hearing body within six months of the initial application (except for those cases which are delinquent in paying the required fee) whether or not the applicant has supplied all of the necessary information or studies. The submittal of complete information and all necessary studies is the responsibility of the applicant, and a lack of necessary data will not prevent any case processed by the Unauthorized Business Review Team from being processed in accordance with these policy guidelines.

Reference:

Minute Order 3.23 dated 4/23/02

Attachment 1