



4.1

DEPARTMENT OF
PLANNING AND DEVELOPMENT

NEIGHBORHOOD SERVICES
DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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SUITE 201
SACRAMENTO, CA
95814-2694

916-449-5948

May 1, 1992

APPROVED
BY THE CITY COUNCIL

JUN 9 1992

CITY COUNCIL
SACRAMENTO, CALIFORNIA

OFFICE OF THE
CITY CLERK

HONORABLE MEMBERS IN SESSION:

SUBJECT: Policy Relating to Billing of Newly Established Code
Enforcement Fees

LOCATION: CITY

SUMMARY

This report is submitted at the request of City Council. It establishes the policy for the billing and collection of newly established code enforcement fees.

STAFF RECOMMENDATION

For Council Information.

BACKGROUND

On March 24, 1992, City Council adopted the proposed fee schedule for the Department of Planning and Development. Included in the Department schedule were also fees applicable to code enforcement activities, which were proposed in an attempt to recover some of the costs related to code enforcement services.

Staff was directed to establish a policy that would; 1) allow a first time violator the opportunity to correct the violation without being charged a fee and 2) should a violation remain uncorrected, allow the City to bill that violator for all subsequent time and services required to obtain final compliance.

FINANCIAL CONSIDERATIONS

As was discussed at the Council meeting of March 24, 1992 the projected revenue from the establishment of the fees and is estimated to be in the area of \$200,000 for FY 1992-93.

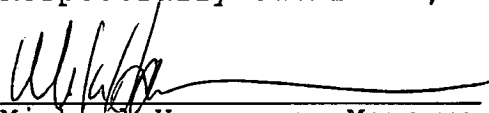
POLICY CONSIDERATIONS

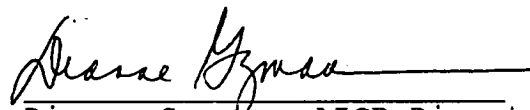
The attached Neighborhood Services Division Policy (Exhibit 1) is consistent with existing policy to seek corrective action of code violations as well as to seek recovery of costs for Division services rendered.

MBE/WBE

None.

Respectfully Submitted,


Michael Hanamura, Manager
Neighborhood Services Division


Dianne Guzman, AICP Director
Planning and Development

Contact for more information:
Patrick Smith, Admin. Analyst
264-7029

For City Council Meeting of:
June 9, 1992

APPROVED:



WALTER J. SLIPE
City Manager

EXHIBIT 1

NEIGHBORHOOD SERVICES DIVISION POLICY

TOPIC: CODE ENFORCEMENT FEES

EFFECTIVE DATE: 5-23-92

SUPERSEDES: N/A

1. Purpose

1.1 To provide policy and procedures for the implementation of the newly developed code enforcement fees.

1.2 To provide cost recovery measures for code enforcement activities.

2. Scope

2.1 The policy and procedures detailed herein shall apply to all employees of the Neighborhood Services Division.

3. Procedure

3.1 The following shall determine the billing for the activities described on the Planning & Development, Neighborhood Services Division Fee and Charge Report:

a. RE-INSPECTION. Re-inspection fees shall be charged for all inspections subsequent to the initial inspection and determination that a violation exists. A re-inspection fee will not be charged for posting a property. Neither will a re-inspection fee be charged if upon the initial re-inspection, the violation has been corrected.

b. POSTING. Posting fees will be charged each time a legal notice is posted on a property after the initial inspection. If upon posting a property it is discovered that the violation no longer exists a posting fee will not be charged for that particular visit.

c. EXTENSION. Extension fees will be charged, when upon request of a property owner an extension of time required to comply is requested.

d. HEARING. Hearing fees shall be charged to all cases presented at public hearing. The exception shall be those vehicle abatement cases where property owners have protested liability for fees. In these cases the Hearing Fee will be charged only when the

decision of the Hearing Examiner declares they are responsible for the fees.

- e. TITLE SEARCH. This fee will be charged only when title searches are required and are conducted.
 - f. DECLARATION (PUBLIC NUISANCE). This fee will be charged after the Hearing Examiner has declared the violation constitutes a Public Nuisance and a Public Nuisance Declaration has been sent to the County Recorder for recording against the property.
 - g. REMOVAL OF DECLARATION. When a property owner requests the removal of a Declaration of Public Nuisance, there will be an inspection made to determine if the violations have been corrected. If the violations no longer exist, the party requesting the removal will be required to pay this fee and any outstanding fees prior to the removal of the Declaration. When a receipt is presented showing that all fees have been paid then a removal will be processed.
 - h. ABATEMENT COST. The actual cost of the abatement will be determined after the abatement is complete. Abatement cost will be itemized so as to adequately describe all costs directly associated with the abatement. Typical costs will be that of the direct labor of eliminating the violation, stand-by police time, attorney time, and any other related items.
- 3.2 Waiver of Fees. The Manager of the Neighborhood Services Division shall have the authority to waive fees when in his/her judgement the waiver of such fees would be in the best interest of the City of Sacramento. Such waiver will only be made upon written request within thirty days of case closure.
- 3.3 Each of these fees shall be independent of the others and will be charged for upon each occurrence.
- 3.4 It is the intent of the Neighborhood Services Division to be reasonable in the charging for fees and will examine the fee process from time to time to ensure a reasonable standard is maintained.
- 3.5 There shall be no charge for initial inspection(s). This includes all inspections made prior to determination that a violation exist.
- 3.6 Property owners and tenants will be notified in writing of the possibility of charges which they might incur as a result of any necessary enforcement action(s).