

TITLE II - ADMINISTRATION

DIVISION 12

RECOVERY OF COSTS RELATED TO PROCESSING AND ENFORCEMENT
OF CODE VIOLATIONS

Chapter 1 - Recovery of Costs Related to Processing and Enforcement of Code
Violations

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DIVISION 12

**RECOVERY OF COSTS RELATED TO PROCESSING AND ENFORCEMENT
OF CODE VIOLATIONS**

2121-1. PURPOSE AND INTENT.

This division establishes procedures for the recovery of administrative costs, including staff time, expended on the enforcement of violations of the provisions of the County Code. The intent of this division is to recoup costs reasonably related to enforcement, which is not otherwise recovered through other processes. (Ord. 2096, § 1, 11/14/1995)

2121-2. DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them herein. (Ord. 2096, § 1, 11/14/1995)

Affected Department: The Planning & Building Department, the Environmental Health Department, Public Works Department, or other County department or agency charged with the responsibility for enforcement pursuant to any provision of this Code. (Ord. 2096, § 1, 11/14/1995)

Code Enforcement Unit: The Deputy County Counsel and/or Deputy District Attorney assigned to directing that office designated by the Board of Supervisors as that agency of County government which has jurisdiction of enforcement pursuant to the provisions of this Code. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

Owner: The owner of record or any person having possession and control of the subject property. (Ord. 2096, § 1, 11/14/1995)

Costs: The administrative costs, including staff time expended and reasonably related to enforcement, for items including, but not limited to site inspections, summaries, reports, telephone contacts and correspondence. Costs will be calculated at the fully burdened rate. (Ord. 2096, § 1, 11/14/1995)

2121-3. RECORDS.

The affected department shall maintain records of all administrative costs incurred by such department, associated with processing violations and enforcement of this Title, and shall recover costs from the property owner as provided herein. Staff time shall be calculated at an hourly rate, as established and revised from time to time by the Board of Supervisors. (Ord. 2096, § 1, 11/14/1995)

2121-4. PROCEDURES.

(a) Upon investigation and determination that a violation of any provision of this title is found to exist, the Code Enforcement Unit shall notify the owner of record or any person having possession or control of the subject property by mail directed to the subject premises of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections thereto. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(b) The notice shall be in substantially the following form: (Ord. 2096, § 1, 11/14/1995)

NOTICE

The Code Enforcement Unit has determined that conditions exist at the property at _____ which violate section _____ of the Humboldt County Code, to wit:

Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate which is presently in effect is: \$ _____ per hour of staff time. You will have the right to object to these charges by filing a written "Request For Hearing" with the Code Enforcement Unit within ten (10) days of service on you of the summary of charges, pursuant to section 2121-4(e) of the Humboldt County Code. (Ord. No. 2271, 04/23/2002)

(c) At the conclusion of the case, the Code Enforcement Unit shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject premises by certified mail, return receipt requested. Said summary shall include a notice in substantially the following form: (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

NOTICE

If you object to these charges you must file a written "Request For Hearing" on the enclosed form within ten (10) days of the date of this notice. (Ord. 2096, § 1, 11/14/1995)

If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the county. (Ord. 2096, § 1, 11/14/1995)

Dated: _____ Code Enforcement Unit

By: _____

(d) In the event that (1) no "Request For Hearing" is timely filed or, (2) after a hearing the Code Enforcement Unit affirms the validity of the costs, the property owner or person having possession or control shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Code Enforcement Unit. These costs shall be recovered in a civil action in the name of the County, in any court of competent jurisdiction within the County. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(e) Any property owner, or other person having possession or control thereof, who receives a summary of costs under this section shall have a right to a hearing before the Code Enforcement Unit on the objections to the proposed costs in accordance with the procedures set forth herein: (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(i) A request for hearing shall be filed with the Code Enforcement Unit within ten (10) days of the service by mail of the Unit's summary of costs, on a form provided by the Unit. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(ii) Within thirty (30) days of the filing of the Request, and on ten (10) days written notice to the owner, the Code Enforcement Unit shall hold a hearing on the owner's objections, and determine the validity thereof. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(iii) In determining the validity of the costs, the Code Enforcement Unit shall consider whether total costs are reasonable under the circumstances of the case. Factors to be considered include, but are not limited to, the following: Whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)

(f) The Code Enforcement Unit's decision shall be appealable to the Board of Supervisors pursuant to the provisions of sections 317-512 through 317-55 of this Code. (Ord. 2096, § 1, 11/14/1995; Ord. No. 2271, 04/23/2002)