

# Code Compliance Services

## Case Prioritization + Process Guide



**City of Murrieta**  
Development Services Department

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# Welcome to the City of Murrieta

## Striving towards compliance through education, communication and collaboration.

The Code Compliance Division of the Development Services Department (DSD) has the primary responsibility of ensuring compliance with the City's various land use codes and standards. It handles complaints on numerous municipal code regulations ranging from unpermitted structures, prohibited uses and encampments to illegal signs, graffiti and noise.

DSD and its partner enforcement agencies (i.e., Murrieta Police Department and Murrieta Fire & Rescue) try first to obtain compliance through education and collaboration, as opposed to focusing on punitive measures such as penalties and fines. We have found this approach successful in resolving many code violation cases soon after notification.

In many cases, code compliance requires review and approval of a City-issued permit. We understand this process can seem intimidating, but should you find yourself faced with an enforcement action we will assist you in navigating the code enforcement and permit process as expeditiously as possible.

Our objective under this program is not to be punitive, but to ensure compliance with our established codes and regulations, which are intended to protect public health and safety and maintain the unique quality of life we currently enjoy in Murrieta.

### **Jeff Murphy**

*Director*

*Development Services Department*



# Department and Property Owner Responsibilities and Expectations

## Mission Statement and Guiding Principles

The Development Services Department (DSD) collectively prepared and implemented a [mission statement and guiding principles](#). The Department adheres to these and reinforces them daily. The Department provides services and functions that are broadly applicable to the City or one of its communities, along with assisting property owners in understanding and adhering to City rules and regulations. The staff assigned to a code compliance action serves as the primary point of contact and is expected to keep responsible parties informed and on schedule until the violation is resolved.

## Timely Resolution

The Murrieta City Council enacts ordinances for the good of the entire City. These ordinances include rules and regulations that take into consideration the safety and wellbeing of the public, such as building codes, fire regulations and general property standards. Enforcement of these ordinances can be essential to the provision of safe and healthy living conditions for Murrieta, along with maintaining our special quality of life. As such, priority is placed on resolving code violations in an expeditious manner. Staff will provide clear direction on how to resolve identified violations and develop a compliance schedule for the responsible party. Staff will customarily respond to phone calls and emails within one business day. It is the responsibility of the property owner/responsible party to implement the direction given and ask questions if the direction is unclear, or there is uncertainty in how to proceed.

## Enforcement through Education

Many code violation cases result from property and business owners who unknowingly violate established ordinances and regulations. Educating the community about the rules and standards is one of the best ways that the City and community can prevent violations from occurring (or reoccurring). The Code Compliance Division seeks opportunities to implement ideas and concepts that

educate the public on common code violations. Education is often considered the first step in prevention, and it will often garner more favorable results.

## Solving Problems Together

Staff is to elevate issues, seeking supervisor or management involvement as soon as it becomes apparent that a problem cannot be resolved or may escalate. Property owners involved in resolving a code violation should follow the Department's organizational hierarchy when working to resolve issues. First, seek to resolve the issue with the staff member. If necessary, request the staff's supervisor to attend a meeting. If further resolution is needed, the Department offers [Project Issue Resolution](#) to get a determination on the issue with the Director. Sometimes a face-to-face meeting can be much more productive than a series of emails.

## Private Disputes

Not all disputes between neighbors are regulated by the City, such as private Covenants, Conditions & Restrictions (CC&Rs) or private trees that encroach onto another's property. Residents are urged to establish good relationships with neighbors and work together to solve such problems before conflicts arise. In these instances, if discussions with neighbors are not fruitful, residents may seek mediation for neighbor-to-neighbor issues.

Mediation is the confidential meeting between people who have a disagreement, and a trained, neutral mediator who guides a discussion of issues toward a mutually acceptable agreement. Mediation is arranged privately through the parties, and both sides must agree to participate. Any expenses for the mediation are to be shared by the parties, or whatever fee arrangement to which the parties agree. The City is not a participant in the mediation. You may wish to consider utilizing the services of the County of Riverside Community Action Partnership: [www.capriverside.org/program/disputeresolution1](http://www.capriverside.org/program/disputeresolution1).

### ITEMS NOT ENFORCED BY THE CITY

Typical examples of private disputes are:

- Covenants, Conditions & Restrictions
- Location of property lines
- Blocked private views
- Tree roots/branches encroaching onto private property
- Tree roots causing damage to a private property fence or structure
- Short-term vacation rental

# General Process Overview

## Introduction

A process has been established to guide responsible parties on the steps that need to be taken to resolve code violations. The process includes five basic steps:



In most cases, the Code Compliance Division staff member will be the primary point of contact. However, should the violation require the approval of a discretionary or building permit, a project planner will also be assigned and will be the contact person on the permit application until it is issued. Refer to the [Permit Service Delivery—Performance Standards + Process Guide](#) for discretionary and ministerial permit review processes and procedures.

In order to maintain individual rights and freedoms, responsible parties have the right to appeal decisions and determinations that are made by the department. Refer to [Section 7](#) of this document for more information on appeal and mediation opportunities that are available.

**STEP 1** **Complaint Filed**

Virtually all code cases processed by the Department originate as a complaint filed by a neighbor or business owner. A complaint can be filed by calling (951) 461-6332 or completing and submitting a [Request for Investigation Form](#). Copies of the form are available at and can be submitted in

person at City Hall, located at 1 Town Square. When filing a complaint (via call or form), the following information must be provided before staff will initiate Step 2 of the process.

### MINIMUM INFORMATION TO INITIATE A CASE

- Location of alleged violation
- Detailed description of the observed violation
- Complainant's name and contact information<sup>1&2</sup>

<sup>1</sup> This information remains confidential unless ordered as part of a judicial proceeding

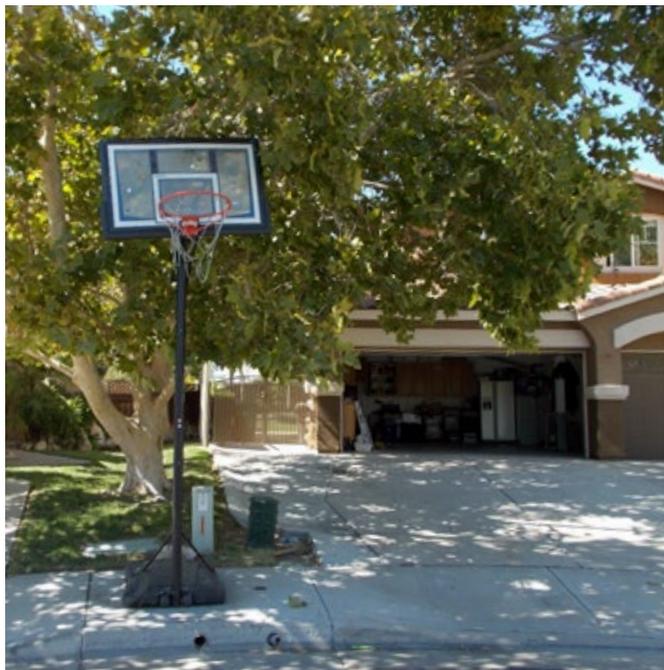
<sup>2</sup> Category 1 complaints can be filed anonymously

## STEP 2 Violation Confirmation

When a complaint is filed, staff must first confirm the validity of the violation. This often requires research, fact-checking and a site visit, in certain cases. Some of the action/research that is conducted by staff during this initial confirmation stage is listed below.

- Opening/assigning the case
- Get clarification from complainant
- Reviewing prior permit approvals
- Reviewing County Assessor records
- Reviewing historic aerial imagery
- Coordinating with other divisions, departments, outside agencies

Receiving a notice of violation from the City can be stressful. As such, it is important that time and effort is spent conducting the appropriate level of research to confirm that a violation has occurred before issuing a correction notice.



### **STEP 3** Notice of Correction

Once a violation has been confirmed, staff will typically issue a written warning or Stop Work Order depending upon the severity of the violation and its impact on public health, safety and general welfare. Each notice accomplishes two important objectives: it alerts the responsible party that a violation is on their property (often a surprise to them); and, it acts as a road map that helps the responsible party navigate the City's processes to resolve the code case. The correspondence details what code sections are in violation, what actions and steps are necessary to remedy the violation, the timeframe to complete the assigned task(s), and the name and number of the city staff person who will be the primary contact throughout the process.

### **STEP 4** Maintaining Progress

As previously noted, the focus of the program is to obtain compliance. As such, the responsible party will be given reasonable compliance dates to accomplish required actions. Maintaining the compliance schedule is important. However, the Department understands that on occasion, issues arise that are beyond the control of the responsible party, which cause unexpected and unintended delays in meeting set deadlines. The program is designed to provide the responsible party with more than sufficient time to respond to requirements; especially during the initial stages of case compliance. Should more time be needed, it is important for the responsible party to notify staff as soon as possible. If the reason for the delay is found to be legitimate and reasonable, the Department may grant a time extension.

In some cases, unfortunately, stronger enforcement remedies are necessary in order to maintain progress. Responsible persons who fail to meet a specified response date may result in the issuance of citations and more aggressive compliance schedule.

### **STEP 5** Case Closure

Once staff finds that a violation involving immediate health/safety risks has been resolved, a letter is sent or a call is placed with the complaining party explaining the findings and results. For certain cases, a letter is also sent to the responsible party (in cases of a verified violation) confirming that the matter was adequately resolved and the case closed. These communications promote transparency and help “close the loop” with impacted citizens.



# Case Processing Policies

## Guiding Policies to Ensure Compliance Equity

It is recognized that the City has limited resources in both staffing and funding to manage all complaints and violations. The City has the right to choose how best to use its resources and depending upon the nature of the violation and impact on public health, safety and general welfare, City staff often prioritizes complaints. To ensure equitable enforcement and a transparent process, the Department has developed and adheres to the following compliance policies, which contribute to the prioritization and timeline standards found in Sections 5 and 6.

## Reactive vs. Proactive Enforcement

A majority of the complaints pursued by staff originate from a private property owner or business owner. With the exception of the violations listed in the box below, staff will not conduct proactive area inspections or “sweeps.” However, any additional infractions readily witnessed during staff’s site investigation could be considered and made part of the open enforcement case. Additionally, violations of a similar nature found on the property adjacent to the original complaint (e.g., next door neighbor) may be pursued to obtain an overall effective outcome.

Violations that may be pursued proactively:

- Unpermitted & active construction
- Illegal encampments
- Graffiti on public or private property
- As directed by majority of the City Council
- Weeds on public or private property
- Hazardous public health/safety concerns

## Communication

A lack of awareness of existing regulations is what often leads to code violations, and can contribute to frustration by complainants. As such, it is critical that staff clearly communicate their directions, expectations and justifications to the responsible person, and when enforcement resolution will require time to complete, provide the complainant with periodic updates and final resolution. It is also important that an acknowledgement of the initial complaint is provided with appropriate contact information should the complainant have follow-up questions. These communications promote transparency and minimize confusion and further frustration.

*A lack of awareness of existing regulations is what often leads to code violations, and can contribute to frustration by complainants.*

## Tiered Notification Process

When there are reasonable grounds that a violation has or is occurring, staff will follow the following notification process.

**Verbal Warning.** This involves a polite conversation with the resident/property owner who agrees to stop the activity or correct the minor violation within 48 hours.

**NOV – Warning.** If a resident/property owner fails to comply with the Verbal Warning, or the observed violation cannot be addressed within 48 hours, staff will typically issue two Notices of Violation – Warning. The notice will include:

- Description of the violation
- Deadline for compliance (typically 7 to 30 days)
- Code section in question
- City staff name & contact information
- Actions required to remedy
- Outcome for failing to comply

**Administrative Citation.** The resident/property owner who fails to timely comply with the NOV – Warning will be issued an Administrative Citation. In most cases, up to three citations may be issued before the City Attorney is consulted to discuss alternative abatement processes and other possible judicial remedies. The Administrative Citation will include the same components as the NOV – Warning.

- 1st Administrative Citation (\$100 and up to 30 days to comply)
- 2nd Administrative Citation (\$200 and up to 30 days to comply)
- 3rd Administrative Citation (\$500 and up to 30 days to comply)

**Immediate Enforcement.** Certain types of activities constitute an imminent public safety and health hazard (i.e., unpermitted and active construction), which may require immediate action by the City without prior written notice. This could be in the form of a ‘Stop Work Order’ or ‘Unsafe Structure Notice.’

### Compliance Schedule

Some violations require approval of a permit. Depending upon the permit type, it could take anywhere from three to six months to complete the process. As such, it is important that violations requiring a permit are processed in an expeditious and timely manner.

As part of permit processing, staff will develop a code compliance schedule with specified key milestones and deadlines. The responsible person, project planner and code compliance staff member will review and discuss the deliverables/timelines specified in the schedule to ensure clarity and set expectations for compliance. Refer to the Planning Division Section’s [Permit Service Delivery — Performance Standards + Process Guide](#) for more information on the permit process.

### Ongoing Use

The Department has the discretion to not take further enforcement action if diligent progress is made towards obtaining a permit. The use may continue should the following conditions be consistently met:

- The violation does not cause serious or immediate health/safety risks or create a significant public nuisance;
- All specified processing timelines are met;
- No new violations occur during the processing of the permit; and,
- Implementation and maintenance of all specified temporary mitigation measures necessary to minimize adverse impacts while processing the permit.

### Extensions of Time

City staff may, in its sole discretion, authorize an extension of time for bringing a violation(s) into compliance. Staff shall consider several factors when

determining whether to authorize an extension. Any extension requests shall be set forth in writing with appropriate performance milestones and deadlines. The extension shall be acknowledged and agreed upon by the owner and staff.

Considering factors for an extension:

- Reasonable need for more time
- Nature of violation
- Measurable progress
- Ongoing and open communication

### Repeat & Reoccurring Violations

Repeat or recurring violations exist when the resident/property owner has demonstrated an inability or unwillingness to correct or cease the activity giving rise to the violation(s). When this occurs, staff may deviate from the tiered notification process and go directly to citations and/or consult directly with the City Attorney to determine the best course of action.

### Owner versus Owner

This occurs when one property owner files a complaint against another, which results in a retaliatory complaint being filed. This sometimes escalates into multiple complaints being filed by the two parties where the enforcement process is used to antagonize and harass the two parties. Staff may exercise their discretion in handling owner versus owner complaints. If, in the opinion of Code Compliance, it is determined that complaints are being used as a tool against a neighbor, and vice versa, staff may choose to limit or refrain from follow up. Retaliatory complaints tend to be administrative and non-emergency in nature. The property owners may be referred to voluntary mediation through the County of Riverside. Refer to “Private Disputes” on [Page 6](#) of this document.

### Agency and Department Coordination

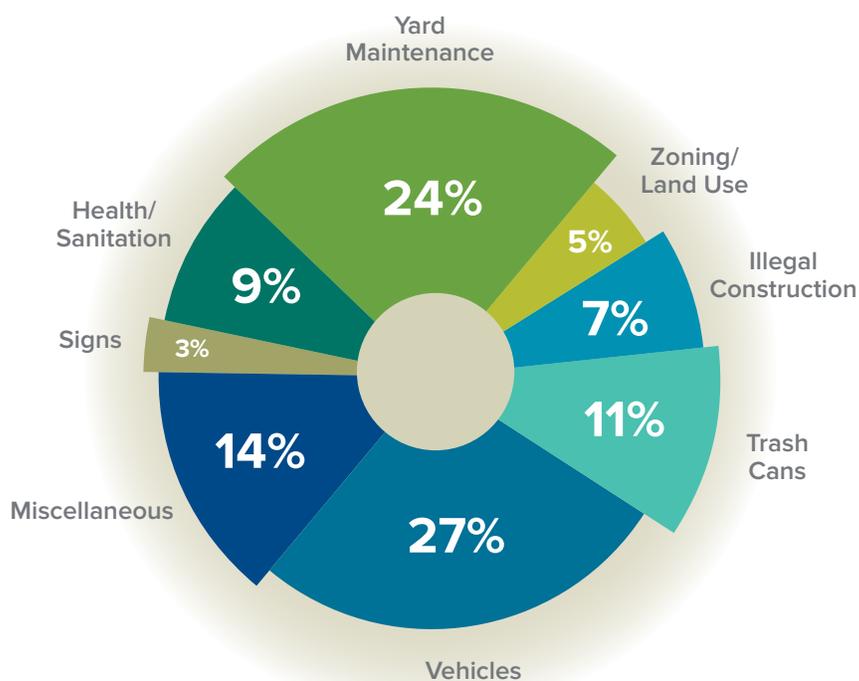
Not all code violations are handled by the Department; sometimes an enforcement matter is handled by another agency or requires coordination from another department (i.e., Murrieta Fire & Rescue, Murrieta Police Department). If a complaint is filed on a violation that falls outside the City’s authority, it is important that staff alert the outside agency and inform the complainant as soon as possible (i.e., Water District, Riverside Transit Agency, School District). Additionally, to ensure collaboration and consistency, code compliance staff will be the point of contact in cases where a violation requires comment and coordination with multiple agencies or groups.

# Prioritization and Timeline Standards

The City receives upwards of 4,000 formal complaints per year, with an average of 300 cases being actively processed at any given time. As such, it is important to prioritize and respond to enforcement cases based upon level and magnitude of the potential impacts to public health and safety, with consideration given to the availability of staff resources.

To help with the prioritization process, cases are categorized into one of five main classifications according to the severity of the violation.

## Typical Violations by Type



*It is important to prioritize and respond to enforcement cases based upon level and magnitude of the potential impacts to public health and safety,*

## The Department strives to achieve these target response times 80% of the time.

<b>VIOLATION CATEGORY</b>	<b>DESCRIPTION OF CONDITIONS</b>	<b>TYPES OF VIOLATIONS</b>	<b>CITY'S INITIAL RESPONSE</b>	<b>CITY'S TARGET RESOLUTION</b>
<b>Category 1</b>	Unsafe, hazardous conditions, immediate threats to health & safety <sup>1</sup>	Includes severely damaged/falling structures, unsecured/abandoned structures, active and unpermitted construction (including grading), illegal encampments, unfenced pools, NPDES violations, illegal dumping and other related public health/safety issues	Within 1 business day of complaint	Within 5 business days of complaint
<b>Category 2</b>	Blight-causing conditions	Includes graffiti on public or private property	Within 1 business day of complaint	Within 2 business days of complaint
<b>Category 3</b>	Blight or nuisance related conditions <sup>2</sup>	Includes inoperable/abandoned vehicles, outdoor storage, trash/debris, noise (i.e., construction, roosters)	Within 5 business days of complaint	Within 20 business days of complaint
<b>Category 4</b>	Miscellaneous violation conditions	Includes yard maintenance, lighting, ROW encroachments, business license, signs, hoarding, zoning violations that cannot be permitted, violation of use permit conditions, other infractions typically not requiring a permit	Within 5 business days of complaint	Within 50 business days of complaint
<b>Category 5</b>	Permit-requiring conditions <sup>1,2</sup>	Includes unpermitted construction or grading, garage conversion, uses requiring a discretionary permit	Within 15 business days of complaint	Within 90 to 180 business days of complaint

<sup>1</sup> Active, unpermitted construction/grading is a Category 1 violation that requires the responsible party to stop all work until required permits are secured. Once work has been stopped/site secured, the violation is processed as a Category 5 violation.

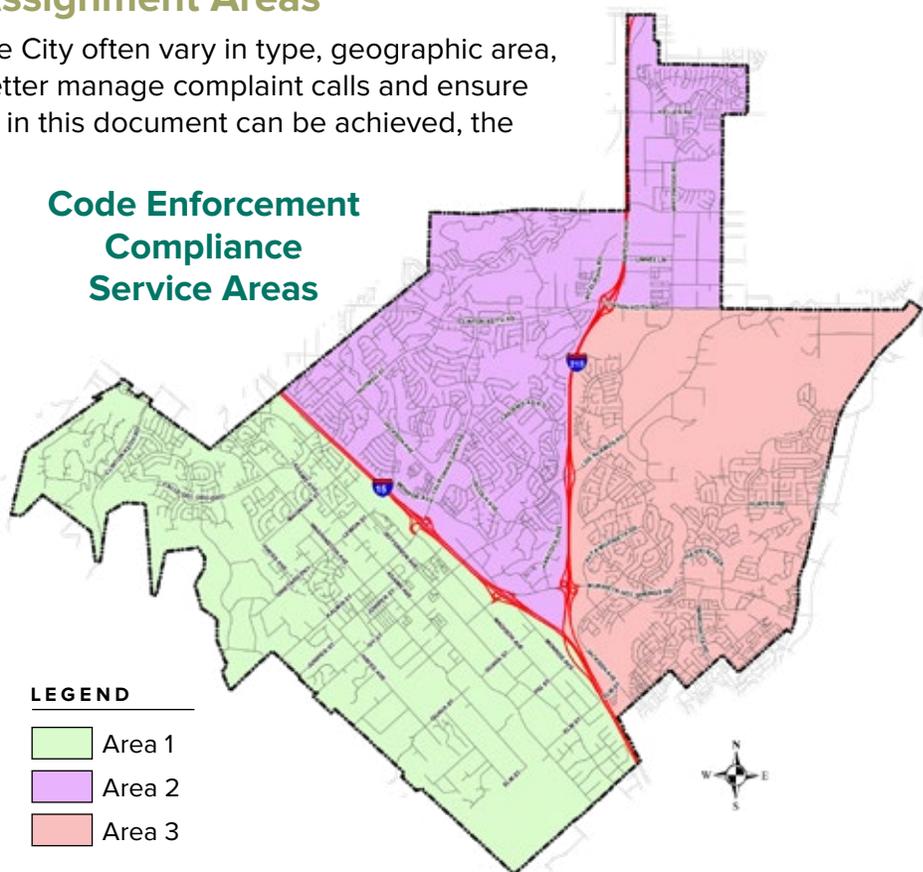
<sup>2</sup> In some cases, a nuisance-related condition (i.e., sign) may require a permit. In those cases, the violation will be processed as a Category 5 violation.

# Standard Processing Procedures

Code Compliance case review processes have been standardized with defined tasks and associated timelines necessary in order to obtain a targeted resolution date. These procedures help staff efficiently and effectively navigate the responsible party through the steps necessary to remedy a code violation. Additionally, established procedures provide citizens transparency and predictability of the process and status of a code case. Code cases can vary in type and complexity, and therefore may need to deviate from the procedures described below.

## Compliance Officer Assignment Areas

The complaints received by the City often vary in type, geographic area, number, and complexity. To better manage complaint calls and ensure that response times described in this document can be achieved, the City has been divided into three distinct service areas. A code compliance officer is assigned to serve each area. This not only helps with case management, but provides an opportunity for staff to become familiar with the residents and businesses in their assigned area to help bring awareness on issues unique to that area. Every six months staff rotates to a different service area in an effort to minimize “burnout” and offer an opportunity to work on new and/or different compliance challenges.



## Procedures

These procedures are for guidance only to staff and should be used in addition to professional judgment to provide and maintain high level quality customer service. In addition, staff strives to live up to its commitments and should an issue arise that causes delay in our response, the responsible party will be notified as soon as possible.

Violation Category

1

Approximately

# 5%

of Complaints

Target Response

< 1 Business Day

Target Resolution

< 5 Business Days

### Within 1 Business Day of Initial Receipt of the Complaint

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in City tracking system and assign case responsibility to appropriate staff based on designated service area.
- **Conduct Field Visit.** Staff visits and takes pictures of the site/ violation and attempts to make personal contact.
- **Violation Notice.** Once the violation is confirmed, a Notice of Violation may be issued to the responsible party, giving 24 hours to comply. A Stop Work Order may also be issued when the violation involves active construction without a valid building permit. This order mandates that the site be secured and all construction requiring a permit be halted immediately.

### Within 3 Business Days of Initial Receipt of the Complaint

- **Compliance Confirmation.** Staff confirms that the responsible party complied with the directions specified in the Notice of Violation or Stop Work Order. Photos are taken. If compliance has not been gained, a Final Notice of Violation/Stop Work Order is issued. A personal contact attempt is made.

**Within 5 Business Days and Until Violation is Resolved**

- **Update.** Staff will call or email the complainant to advise them of the current status of the case.
- **Continued Enforcement.** Staff will inspect and issue citations every 24 hours until the immediate hazard is addressed. The daily issuance of Administrative Citations starts at \$100 and can accumulate to \$500 per day, per violation.

After the hazardous/health and safety condition has been removed or halted, a majority of cases in Category 1 will require the approval of a discretionary or building permit to fully address the violation. Once the Category 1 health/safety risk is addressed, the code case will be processed under the procedures for Category 5. If a permit is not needed, and the violation remedied, the case is closed.



## Violation Category

2

Target Response &lt; 1 Business Day

Target Resolution &lt; 2 Business Days

Approximately

10%  
of ComplaintsPENDING  
PROGRAM**Within 1 Business Day of Initial Receipt of the Complaint**

- **Case Development.** Create a case file, enter complaint/property information and create task assignments in City tracking system. On occasion, the City is not the jurisdiction authorized to remove graffiti (i.e., Riverside Transit Agency, SoCal Edison). In these instances, staff refers the graffiti complaint to the proper authority for action.

**Within 2 Business Days of Initial Receipt of the Complaint**

- **Release of Liability on file.** Staff confirms that the responsible party has a current Release of Liability form on file with the City. With a valid release form, staff notifies the graffiti removal contractor of the location of the complaint and authorizes removal.
- **Graffiti Removal.** The graffiti removal contractor removes the graffiti and documents with pictures, which are provided to staff for uploading into Graffiti Tracker®. The violation case is closed.

**After 2 Business Days and Until Violation is Resolved**

- **Release of Liability NOT on file.** If a release is not on file, the removal may take longer. In these instances, the responsible party is issued a Warning and has seven days to submit a valid Release of Liability form or remove the graffiti themselves. Once the form is received, the graffiti removal contractor is given authorization to remove the graffiti.
- **Continued Enforcement.** Staff will inspect and issue citations every 24 hours until the graffiti is removed or the release received. The daily issuance of Administrative Citations starts at \$100 and may accumulate to \$500 per day, per violation until compliance is achieved.

**Violation Category** **3**

**Target Response** < 5 Business Days

**Target Resolution** < 20 Business Days

Approximately **25%** of Complaints

#### Within 5 Business Days of Initial Receipt of the Complaint

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in City tracking system and assign case responsibility to appropriate staff.
- **Conduct Field Visit.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.
- **NOV – Warning.** Once the violation is confirmed, staff will issue a written warning to the resident (no financial penalty) requiring compliance within 10 business days.

#### Within 10 Business Days of Initial Receipt of the Complaint

- **Follow Up Contact/Site Visit.** Staff conducts a second site visit to confirm that compliance was gained. As appropriate, staff will call or email the complainant to advise them of the current status of the case and next steps.
- **NOV – Final Warning.** Staff will issue a final warning (no financial penalty) requiring compliance within 10 business days.

#### Within 14 Business Days of Initial Receipt of the Complaint

- **Follow Up Contact/Site Visit.** Staff conducts a third site visit to confirm that compliance was gained. As appropriate, staff will call or email the complainant to advise them of the current status of the case and next steps.
- **Continued Violation.** Failure to comply with the previous warnings will result in a \$100 Administrative Citation and require compliance within 10 business days. Continued noncompliance may result in shorter compliance times and higher fine amounts until compliance is achieved.

## Violation Category

4

## Target Response

&lt; 5 Business Days

## Target Resolution

&lt; 50 Business Days

Approximately

40%  
of Complaints**Within 5 Business Days of Initial Receipt of the Complaint**

- **Conduct Field Visit.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.
- **NOV – Warning.** Once the violation is confirmed, staff will issue a written warning to the resident (no financial penalty) requiring compliance within 30 days.

**Within 15 Business Days of Initial Receipt of the Complaint**

- **Follow Up Contact/Site Visit.** Staff conducts a second site visit to confirm that compliance was gained. As appropriate, staff will call or email the complainant to advise them of the current status of the case and next steps.
- **NOV – Final Warning.** Staff will issue a final warning (no financial penalty) requiring compliance within 20 days.

**Within 30 Business Days of Initial Receipt of the Complaint**

- **Follow Up Contact/Site Visit.** Staff conducts a third site visit to confirm that compliance was gained. As appropriate, staff will call or email the complainant to advise them of the current status of the case and next steps.
- **Continued Violation.** Failure to comply with the previous warnings will result in a \$100 Administrative Citation and require compliance within three days. Continued noncompliance may result in shorter compliance times and higher fine amounts until compliance is achieved

In rare cases, a Category 4 infraction may be remedied with a permit.

Under these circumstances, the code case will be processed under the procedures for Category 5 until permits are approved and issued and a certificate of occupancy received.



#### Within 15 Business Days of Initial Receipt of the Complaint

- **Case Development.** Create a case file, enter complaint/property information, create task assignments in City tracking system and assign case responsibility to appropriate staff.
- **Conduct Field Visit.** Staff visits and, if necessary, takes photos of the site/violation and attempts to make personal contact.
- **Research.** Staff will conduct research to confirm that a violation exists, including the review of records of prior permit approvals, county tax records, historic aerial imagery and coordination with other divisions, departments, outside agencies.
- **Violation Notice.** Once the violation is confirmed, a Notice of Violation is issued. For infractions requiring approval of a discretionary permit or significant structural improvements requiring a building permit (i.e., room addition), the responsible party is generally given 90 days to develop plans and submit a complete application to the City for processing. For infractions requiring simpler permit review (i.e., water heater, electrical work, plumbing improvements, etc.), a much shorter compliance date is given. If a permit is determined to not be needed, the case is closed. If the use/structure cannot be permitted, a reasonable period of time is given for the responsible party to remove the violation.

### Following 90 days of Initial Receipt of the Complaint

- **Compliance Confirmation.** Once the application is submitted, staff in Code Compliance and Planning and/or Building Division coordinate with the responsible party on a compliance schedule for permit processing.
- **Continued Violation.** Failure to timely comply with the Notice of Violation or the established compliance schedule will result in a \$100 Administrative Citation and a required compliance date of two weeks. Continued noncompliance may result in shorter compliance time frames and fines up to \$500 per day, per violation until compliance is achieved.
- **Make Contact.** As appropriate, staff will call or email the complainant periodically to advise them of the current status of the case.



# Appeal and Mediation Opportunities

## Code Compliance Appeals

In addition to offering [Project Issue Resolution](#), a venue to get a determination on an issue with the DSD Director, a property owner/responsible party can also appeal an Administrative Citation before an independent impartial hearing officer. The City currently contracts with Data Ticket, Inc., a third-party service to administer its code compliance citation processing needs. Data Ticket provides data entry services and offers a full-service, bilingual customer service call center that allows citizens to get information regarding the citation process. Data Ticket also provides a full-service adjudication department that handles all adjudication requests, including the use of Independent Hearing Officers to schedule and perform Hearings.

### ■ Adjudication Request

Any person issued an Administrative Citation may contest the notice by filing an appeal with Data Ticket. The requirement to file for an appeal includes paying the fine and sending a letter requesting an appeal hearing. This must be done within 30 days of the citation issuance. Once submitted, a hearing will be scheduled within 60 days from the receipt of the completed request. The responsible party will receive notification of the time, date and location of the hearing at least 10 calendar days before the hearing. Verbal and Written Warnings are not appealable through Data Ticket.

### ■ Hearing Procedures

All hearings are held before an independent impartial hearing officer provided by Data Ticket. At the hearing, the parties present their evidence, findings and arguments directly to the hearing officer who may ask questions during the hearing. Any relevant evidence can be admitted into record and oral evidence is taken under oath or affirmation. The hearings are recorded and do not need to be conducted in accordance with technical rules of evidence. See Generally Government Code, Section §11513.

### ■ **Hearing Officer's Decision**

If the Hearing Officer determines that the Administrative Citation should be upheld, the fine on deposit by the City will be retained. If the Hearing Officer determines the evidence presented does not support the issuance of the Administrative Citation, the entire fine amount shall be deemed null and void and the City will refund the deposit within 6 to 8 weeks. The written decision of the Hearing Officer is the City's final administrative decision. An appeal of the Hearing Officer's decision may be filed with the Riverside County Superior Court within 20 days of the decision.

### ■ **Failure to Pay**

In the event the responsible person fails to timely pay assessed fines, penalties are assessed at 30 days, 60 days and 90 days. If after this penalty phase, fines are not paid, Data Ticket informs the Franchise Tax Board via the Interception program, so that future income tax refunds are garnished until the total amount of the fine is paid. Data Ticket also serves as a collection agency to collect on citations that remain outstanding after the standard noticing and/or the Franchise Tax Board collection process expires. For absentee property owners who do not reside in the State of California, Data Ticket will have the payment failure reflected on the property owner(s) credit report.



## Mediation

Sometimes, disputes between neighbors do not involve a violation of City codes or ordinances. Issues of blocked views, street parking, property line location, trees overhanging onto private property or roots causing damage to a fence or structure are not regulated by the City, but can cause frustrations between neighbors.

In such cases, the City suggests the use of a mediator. Mediation is the confidential meeting between people who have a disagreement and a trained, neutral mediator who guides a discussion of issues toward a mutually acceptable agreement. City staff is not in attendance at these meetings.

The mediators are not judges. It is their role to work with both parties to help determine a long term, mutually beneficial solution. The final agreement is not legally binding and cannot be used in court. Mediation is also governed by California Evidence Code section 1115-1128, which provides that statements made during mediation are confidential and inadmissible against another party in any subsequent non-criminal proceeding.

For mediation services, property owners should contact the County of Riverside Community Action Partnership at [www.capriverside.org](http://www.capriverside.org).

## REDUCE YOUR RISK OF A CODE VIOLATION

### Property

- Maintain your property in a clean, orderly fashion
- Always check with City staff for permit requirements prior to any construction
- Establish a good relationship with your neighbors and work together to solve problems before conflicts arise

### Vehicles

- Maintain your vehicles in proper operating condition with current registration tags
- Do not store junk, trash or debris in or around the vehicle
- Do not let weeds grow under or around the vehicle
- Non-operable vehicles must be fully enclosed on private property and out of public view



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Development Services Department

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