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1 For charter provisions as to enactment, etc., of ordinances, see Char. §2.12.
For state law as to power of city to codify ordinances, see Gov. C.A., §§50022.1 to 50022.8.
For constitutional provisions of state relative to cities generally, see Const. of Calif., Art. XI, §1 et seq.

ARTICLE I. GENERAL PROVISIONS

SEC. 1.1. HOW CODE DESIGNATED AND CITED

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Piedmont, California, 1959," and may be so cited.

SEC. 1.2. DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

- 1.2.1. City. The words "the City" or "this City" shall be construed as if followed by the words "of Piedmont."
- 1.2.2. Code. The words "the Code" or "this Code" shall mean "The Code of the City of Piedmont, California, 1959."
- 1.2.3. Computation of Time.² The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.
- 1.2.4. Council. Whenever the word "Council" is used, it shall be construed to mean the City Council of the City of Piedmont, California.
- 1.2.5. County. The words "the county" or "this county" shall mean the County of Alameda.
- 1.2.6. Day.³ A day is the period of time between any midnight and the midnight following.
- 1.2.7. Daytime, Nighttime.⁴ "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- 1.2.8. Department, Board, Commission, Office, Officer, or Employee. Whenever any department, board, commission, office, or officer or employee is referred to it shall mean a department, board, commission, office, officer or employee of the City unless the context clearly indicates otherwise.
- 1.2.9 Director-Defined. For purposes of this Section, "Director" means the City

2 For similar state law, see Gov. C.A., §6800.

3 For similar state law, see Gov. C.A., §6806.

4 For similar state law, see Gov. C.A., §6807.

Administrator or the head of any City department which is charged with responsibility for enforcement of any provision of this Code.

1.2.10. Gender.⁵ The masculine gender includes the feminine and neuter.

1.2.11. In the City. The words "in the City" or "within the City" shall mean and include all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

1.2.12. Joint Authority.⁶ All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

1.2.13. Month.⁷ The word "month" shall mean a calendar month.

1.2.14. Number.⁸ The singular number includes the plural, and the plural the singular.

1.2.15. Oath.⁹ "Oath" includes affirmation.

1.2.16. Official Time. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Saving Time whichever may be in current use in the City.

1.2.17. Or, And. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

1.2.18. Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by entirety, of the whole or of a part of such building or land.

1.2.19. Person.¹⁰ "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.

1.2.20. Personal Property.¹¹ includes every species of property except real property, as defined in this section.

1.2.21. Preceding, Following. The words "preceding" and "following" mean next before

5 For similar state law, see Gov. C.A., §12.

6 See C.C., §12.

7 For similar state law, see Gov. C.A., §6804.

8 For similar state law, see Gov. C.A., §13.

9 For similar state law, see Gov. C.A., §15.

10 For similar state law, see Gov. C.A., §17.

11 See C.C., §14.

and next after, respectively.

1.2.22. Process.¹² "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

1.2.23. Property.¹³ The word "property" shall include real and personal property.

1.2.24. Real Property.¹⁴ Real property shall include lands, tenements and hereditaments.

1.2.25. Roadway. "Roadway" is that portion of a highway improved, designed or ordinarily used for vehicular travel.

1.2.26. Shall, May.¹⁵ "Shall" is mandatory, and "may" is permissive.

1.2.27. Signature or Subscription.¹⁶ "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

1.2.28. State. The words "the state" or "this state" shall be construed to mean the State of California.

1.2.29. Tenant or Occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

1.2.30. Tenses.¹⁷ The present tense includes the past and future tenses; and the future, the present.

1.2.31. Week.¹⁸ A "week" consists of seven consecutive days.

1.2.32. Writing.¹⁹ "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

12 For similar state law, see Gov. C.A., §22.

13 See C.C., §14.

14 See C.C., §14.

15 For similar state law, see Gov. C.A., §14.

16 For similar state law, see Gov. C.A., §16.

17 For similar state law, see Gov. C.A., §11.

18 For similar state law, see Gov. C.A., §6805.

19 For similar state law, see Gov. C.A., §8.

1.2.33. Year.²⁰ The word "year" shall mean a calendar year, except where otherwise provided.

SEC. 1.3 PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

SEC. 1.4 EFFECT OF REPEAL OF ORDINANCES

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

SEC. 1.5. SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SEC. 1.6 TITLES

The titles at the beginning of the various sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be any part of the section itself, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the titles, are amended or re-enacted.

20 For state law definition of "year", see Gov. C.A., §6803. For charter provisions as to fiscal year, see Char., §4.01.

ARTICLE II CODE ENFORCEMENT

SEC. 1.7 CODE VIOLATIONS

- A. It is unlawful for any person to violate any provision or to fail to comply with any requirement the Piedmont City Code, or any City ordinance. Each and every day, or portion thereof, during which a violation is committed, continued, or permitted by any person, shall be a separate violation. Each responsible person determined to be responsible for a violation shall be jointly and severally liable for a code violation.

- B. In addition to administrative citations, as set forth below, the City may enforce any code violation by any one or more of the following methods at the City’s discretion:
 - 1. Criminal penalty
 - 2. Civil injunction
 - 3. By the denial of permits or the forfeiture or revocation of permits
 - 4. Public nuisance abatement (per Chapter 6 of the Piedmont City Code)
 - 5. Any other legal means available

- C. The remedies provided for in this article are cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity. (Ord. 735 N.S., 10/2017, Ord. 509 N.S., 3/1989)

SEC. 1.8 DEFINITIONS

For the purposes of this article, the following definitions shall apply:

“Administrative citation” means a citation for a money fine issued to a responsible person in accordance with this article.

“City Compliance Officer” means the City officer, animal control officer, employee, or contractor designated by the City Administrator for enforcing the Piedmont City Code.

“Hearing Officer” means a person designated by the City Administrator to serve as the presiding officer for hearings on matters related to an administrative citation, subject to the requirements of Section 1.15.

“Notice of violation” means written notice of a code violation issued to a responsible person in accordance with this article.

“Owner” means the record owner of real property according to Alameda County’s latest equalized property tax assessment roll or the person who owns or is in control of personal property.

“Person” means and includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

“Property” means any real or personal property located within the City and any improvement, structure, building or portion thereof located on real property.

“Responsible person” means the owner or any person or persons in charge of the property on which a violation of the Piedmont City Code exists, or the person or persons responsible for an event or incident that constitutes a violation of the Piedmont City Code, and shall include, but is not limited to, any of the following: (1) a person who, by action or inaction (whether acting alone or with one or more other persons), causes, maintains, permits, or allows a code violation; (2) a person whose agent, employee, or independent contractor, by action or inaction, causes, maintains, permits, or allows a code violation; (3) an owner of real property on which a code violation occurs; (4) a lessee or sub-lessee with the current right of possession of real property on which a code violation occurs; (5) the person or persons in charge of the property where the violation occurs; (6) the owners, majority stockholders, corporate officers, trustees, general partners and any other person with the legal authority to act for a legal entity that is a responsible person under subsections (1) through (5) above; ; and (7) any person owning, having an interest in, or having control or custody or possession of any animal, which is the subject of a code violation. If the responsible person is a minor or incompetent, the parents or guardians of such minor persons shall be deemed responsible persons. (Ord. 51 N.S., 10/1907; Ord. 735 N.S., 10/2017; Ord. 741 N.S., 09/2018)

SEC. 1.9 ADMINISTRATIVE CITATION

Whenever a City Compliance Officer determines that a code violation has occurred, the City Compliance Officer shall have the authority to issue an administrative citation to any responsible person. An administrative citation shall not be issued unless a prior written notice of violation has been provided to the responsible person or persons by the City Compliance Officer.

Notwithstanding the requirements of this section, a City Compliance Officer shall have the authority to issue an administrative citation to any responsible person without providing prior written notice when:

1. The violation requires immediate correction, due to an immediate danger to public health or safety; or
2. The responsible person has been given prior written notice of violation or an administrative citation for a violation of the same section of the Piedmont City Code within one year of the date of the new violation.
3. The responsible person has violated Section 3.4 or Chapter 4 of the Piedmont City Code, which requires immediate correction due to the potential threat to public health and safety caused by the violation. (Ord. 630 N.S. 6/2002; Ord. 735 N.S., 10/2017; Ord. 741 N.S., 09/2018)

SEC. 1.10 NOTICE OF VIOLATION FORMAT

- A. A notice of violation issued by the City Compliance Officer shall substantially comply with the following format:

[Name and address of responsible person]

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN that you have been identified as the party responsible for a violation of the Piedmont City Code. The violation is on property commonly known as [insert address or other legal property description] and more specifically described by the Alameda County Assessor as [APN # _____].

The City Compliance Officer has observed the following conditions, which constitute a violation of the Piedmont City Code: [description of violation]

The observed conditions violate the following provisions of the Piedmont City Code: [cite code section]

YOU ARE HEREBY ORDERED TO REMEDY SAID VIOLATION within [reasonable time to remedy violation, not less than ten (10) days] calendar days from the issuance date of this order. The issuance date is specified below. You may remedy the violation by [desired action which, if taken, will adequately remedy the situation].

FAILURE TO REMEDY THE VIOLATION WITHIN THE SPECIFIED TIME WILL RESULT IN THE ISSUANCE OF A FINE IN THE AMOUNT OF [amount of fine]. Each day for which the violation remains after the specified date shall constitute a new violation and may result in additional fines without further notice. Nonpayment of the fines may result in additional administrative penalties and costs, as well as a lien being assessed on your property, to be collected by the County Auditor along with municipal taxes and other assessments. [Optional: The City will seek to recover its attorneys' fees as a result of any administrative proceeding resulting from this violation.]

If you have any questions regarding this matter, you may direct them to the City Compliance Officer issuing this notice at the address or telephone number listed below.

ISSUANCE DATE: _____

[Insert: name, title, address and telephone number of the City Compliance Officer issuing this notice.]

- B. A Notice and Order to Abate substantially complying with the format set forth in Section 6.5 of the Piedmont City Code shall have the same force and effect as a notice of violation for the purposes of this article.

- C. The City Compliance Officer shall maintain records detailing the instance or instances of the violation(s), including such information as photographic evidence, a chronological account of inspections made, identification of conditions noted, and witness statements, if any, all of which support the issuance of the notice of violation. The records shall be made available upon request to the responsible person. (Ord. 735 N.S., 10/2017)

SEC. 1.11 ADMINISTRATIVE CITATION FORMAT

- A. If a responsible person fails to remedy a violation within the time period allotted in a notice of violation, the City Compliance Officer may issue an administrative citation. An administrative citation shall substantially comply with the following format:

[Name and address of responsible person]

ADMINISTRATIVE CITATION

On [Issuance Date of notice of violation] the City of Piedmont issued you a notice of violation naming you as the responsible person for a violation of the Piedmont City Code, and ordering you to remedy the violation. The violation is on property commonly known as [insert address or other legal property description] and more specifically described by the Alameda County Assessor as [APN #].

The City Administrator or his/her designee has observed the following conditions, which constitute a violation of the Piedmont City Code: [description of nuisance]
The observed conditions violate the following provisions of the Piedmont City Code: [cite code section]

THE AMOUNT SET FORTH AS THE FINE FOR SUCH A VIOLATION OF THE CITY CODE IS \$_____. Each day for which this violation goes unremedied shall constitute a new violation and a new fine of \$_____ without additional notice.

YOU ARE HEREBY ORDERED TO IMMEDIATELY REMEDY THE VIOLATION AND PAY THE FINE AMOUNT WITHIN 30 DAYS. Failure to make the full payment may result in additional fines, penalties, and costs. Nonpayment of the fines may also result in a lien being assessed on your property, to be collected by the County Auditor along with municipal taxes and other assessments. [Optional: The City will seek to recover its attorneys' fees as a result of any administrative or court proceeding resulting from this violation.]

Payment must be submitted to the City Clerk at the following address:

City Clerk
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

Payment of the fine shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of this administrative citation.

YOU ARE FURTHER PROHIBITED FROM CONTINUING OR REPEATING THE VIOLATION. Failure to remedy the violation or repeated occurrences will result in additional fines.

YOU MAY APPEAL THIS ADMINISTRATIVE CITATION, but any such appeal must be brought within ten calendar days of the issuance date of this administrative citation. The appeal must be in writing; specify the reasons for the appeal; contain your name, address, and telephone number; be accompanied by an appeal fee of _____ dollars (\$_____) and advanced payment of the fine amount listed above; and be submitted to the City Clerk.

One who is legally indigent may apply for a waiver of the appeal fee and advanced payment of the fine. Upon timely receipt of the appeal and accompanying fee and fine payment, or waiver, the City Clerk will cause the matter to be set for hearing and notify you of the date and location of the hearing.

FAILURE TO FILE A TIMELY APPEAL SHALL BE CONSTRUED AS A WAIVER OF THE RIGHT TO AN APPEAL AND A FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

If you have any questions regarding this matter, you may direct them to the City Compliance Officer issuing this citation at the address or telephone number listed below.

ISSUANCE DATE: _____
(Insert: name, title, address, and telephone number of the City Compliance Officer issuing this notice.) (Ord. 735 N.S., 10/2017)

SEC. 1.12 AMOUNT OF FINES

- A. The amounts of the fines for code violations imposed pursuant to this article shall be set forth in the schedule of fines established by resolution of the City Council.
- B. The schedule of fines may specify any increased fines for repeat violations of the same code provision by the same person within a specified monthly period from the date of an administrative citation.

- C. The schedule of fines shall specify the amount of any late payment penalties imposed for the payment of a fine after its due date. (Ord. 735 N.S., 10/2017)

SEC. 1.13 PAYMENT OF THE FINE

- A. The fine shall be paid to the City within thirty (30) days from the date of the administrative citation.
- A. Payment of a fine under this article shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.
- C. Fines shall continue to accrue for each day during the course of any appeal except that late payment penalties shall not accrue during the course of an appeal. Fines due after an appeal shall be paid to the City within thirty (30) days from the date of the final decision. (Ord. 735 N.S., 10/2017)

SEC. 1.14 APPEAL AND HEARING REQUEST

- A. Any recipient of an administrative citation may appeal. The appeal must be in writing, be delivered to the City Clerk within ten calendar days of the issuance date of the administrative citation, specify the grounds upon which the appeal is taken, and contain the name, address, and telephone number of the appellant.
- B. The appeal shall be accompanied by an appeal application fee and advanced payment of the fine amount. If the Hearing Officer finds there is no violation or the appellant was not the responsible person, the appeal fee and advanced payment of the fine amount shall be promptly refunded to the appellant without the payment of any interest that could have accrued.
- C. The appeal application fee shall be set by resolution of the City Council.
- D. Failure to submit the completed fee waiver forms or pay the appeal fee and make advanced payment of the fine amount shall cause the appeal request to be automatically denied.
- E. Upon the filing of a timely and complete appeal, the matter will be set for hearing. The City Clerk will notify the parties in writing of the date, time, and location of the hearing at least ten (10) days prior to the hearing date.
- F. Records of the City Compliance Officer concerning the notice of violation and administrative citation prepared pursuant to Section 1.10(C), if intended to be submitted to the Hearing Officer for consideration at the hearing, shall be copied and served on the person requesting the hearing at least seven (7) days prior to the date of the hearing.

- G. Failure to file a timely appeal shall be construed as a waiver of the right to an appeal and a failure to exhaust administrative remedies.
- H. At any time the City Compliance Officer may choose to withdraw a previously issued notice of violation or administrative citation. (Ord. 735 N.S., 10/2017)

SEC. 1.15 HEARING OFFICER

For each appeal of an administrative citation, the City Administrator shall designate the Hearing Officer for the appeal. The Hearing Officer shall not be the City Compliance Officer who issued the notice of violation that is the subject of the appeal. The employment, performance evaluation, compensation, and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the Hearing Officer upholding or denying any appeal to a notice of violation. (Ord. 735 N.S., 10/2017)

SEC. 1.16 HARDSHIP WAIVER

- A. Any person who intends to request a hearing to contest an administrative citation and who is financially unable to pay the appeal application fee and fine amount in advance as required, may request a hardship waiver. A request for a hardship waiver shall be submitted to the City Clerk along with advanced prepayment of the fine amount and the appeal application fee, within ten calendar days of the issuance date of the administrative citation.
- B. The City Clerk may approve a hardship waiver only if the applicant has submitted a sworn affidavit demonstrating his or her inability to pay the application fee and make advanced prepayment of the fine amount, together with any supporting documents or materials that demonstrate proof of enrollment in a State of California public assistance program, such as Medi-Cal, to the satisfaction of the City Clerk.
- C. Within ten days of submission of the request for a hardship waiver and supporting documents, the City Clerk shall issue a written determination to approve or not approve the hardship waiver. If the City Clerk approves the hardship waiver, the application fee and advanced prepayment of the fine amount shall be refunded at the time of the written decision. The written determination of the City Clerk shall be final and shall be served upon the person who applied for the hardship waiver. (Ord. 735 N.S., 10/2017)

SEC. 1.17 HEARING PROCEDURE

- A. The hearing date shall be no sooner than ten (10) days and no more than sixty (60) days from when the notice of the hearing is given to the party contesting the administrative citation.
- B. The appellant shall be given the opportunity to (1) testify and present witnesses; (2) introduce relevant evidence; (3) cross-examine and/or rebut any witness testifying in

support of the declaration of the code violation; and (4) be represented by anyone who is designated by the appellant.

- C. The City Compliance Officer will bear the burden of proving by a preponderance of the evidence that the responsible person violated the Piedmont City Code. The California Evidence Code shall not apply to the administrative hearing. All relevant evidence may be considered, and the Hearing Officer has the discretion to exclude evidence found to be irrelevant or redundant.
- D. The administrative citation and any additional records submitted by the City Compliance Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- E. The Hearing Officer may continue the hearing and request additional information from the City Compliance Officer or the appellant prior to issuing a written decision.
- F. If the responsible person fails to appear at the hearing, the Hearing Officer shall automatically uphold the determination of the City Compliance Officer set forth in the administrative citation. The failure of any recipient of an administrative citation to appear at the appeal hearing shall constitute a failure to exhaust his or her administrative remedies. (Ord. 735 N.S., 10/2017)

SEC. 1.18 DECISION ON APPEAL

- A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall, within thirty (30) days, issue a written decision to uphold, modify or dismiss the administrative citation and shall list in the decision the reasons for that decision.
- B. In the written decision, the Hearing Officer may uphold or reduce the amount of the fine taking any or all of the following factors into consideration:
 - 1. The duration of the violation;
 - 2. The frequency, recurrence, and number of violations, related or unrelated, by the same responsible person;
 - 3. The seriousness of the responsible person;
 - 4. The good faith efforts of the responsible person to come into compliance;
 - 5. The economic impact of the violation on the community;
 - 6. Such other factors as justice may require.
- C. The decision of the Hearing Officer shall be in writing, be based on the record, and include a statement of the factual and legal basis of the decision. The decision of the Hearing Officer shall be filed with the City Clerk within thirty (30) days of the conclusion of the hearing. A copy of the decision shall be sent by first-class mail to the appellant at the address specified in the appeal, and by mail to each responsible person appearing at the hearing.

- D. The Hearing Officer's decision is final on the date the decision is filed with the City Clerk. If the responsible person wishes to appeal further, the responsible person must initiate legal action in accordance with Government Code Section 53069.4(b) by filing a petition with the Superior Court within twenty (20) days of the date of the Hearing Officer's decision. (Ord. 735 N.S., 10/2017)

SEC. 1.19 RECOVERABLE ADMINISTRATIVE COSTS

- A. The Hearing Officer may assess administrative costs against the violator when the Hearing Officer determines that a violation has occurred and that compliance was not achieved. Recoverable administrative costs shall include, but not be limited to, the following:
 - 1. Any applicable fines and collection costs.
 - 2. Any time spent by a City employee for activities related to the code violation, including, but not limited to, inspections and re-inspections, abatement actions, police services, administration, bookkeeping and accounting, legal services, supervision, preparing for and attending hearings. Costs based on time spent by City employees or contractors shall include salary, benefits, and overhead;
 - 3. Any fees incurred by the City in employing contractors for activities related to the code violation, including but not limited to, inspections and re-inspections, abatement actions, police services, administration, bookkeeping and accounting, legal services, supervision, preparing for and attending hearings;
 - 4. Costs related to the enforcement including, but not limited to, cost of abatement, notices, administrative costs, and court costs;
- B. In in any action, administrative proceeding, or special proceeding, the prevailing party shall be entitled to recover its reasonable attorneys' fees, but only if the City elects in writing, at the initiation of the action or proceeding, to seek recovery of its own attorneys' fees. In no event shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding. The City may recover its attorneys' fees in the same manner as other costs pursuant to this article. (Ord. 735 N.S., 10/2017)

SEC. 1.20 FAILURE TO PAY ADMINISTRATIVE FINES, PENALTIES AND COSTS

Failure to pay the assessed administrative fines, penalties and/or recoverable costs specified in a Hearing Officer's decision may be enforced as:

- 1. A personal obligation of the responsible person; and/or
- 2. If the violation is in connection with real property, a lien upon the real property in accordance with this article, which shall remain in effect until all of the administrative fines, penalties, and recoverable costs are paid in full; and/or
- 3. A criminal misdemeanor; and/or

4. Any other available legal means. (Ord. 735 N.S., 10/2017)

SEC. 1.21 RECOVERY OF ADMINISTRATIVE CITATION FINE(S), PENALTIES, AND COSTS

- A. The procedures set forth in this section for the recovery of citation fines, penalties, and recoverable costs are adopted pursuant to Government Code Section 53069.4 which allows the City Council to establish a procedure to govern the collection of administrative fines, penalties, and recoverable costs. It is intended that persons violating the code, and not the taxpayers, bear the financial costs of the City's code enforcement efforts.
- B. The City may collect the assessed administrative fines, penalties, and recoverable costs by use of all available legal means, including recordation of a lien pursuant to the provisions of this article. (Ord. 735 N.S., 10/2017)

SEC. 1.22 LIEN PROCEDURE

- A. Whenever the amount of any fines, penalties, and/or recoverable cost imposed pursuant to this article in connection with real property have not been satisfied in full within sixty (60) days after imposition of the fine, administrative penalty, and/or recoverable cost becomes final, unless tolled by a timely request for judicial review pursuant to Government Code Section 53069.4 or reversed by court order, this obligation may constitute a lien against any real property involved where any violation was determined to concern the condition of that real property.
- B. The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure Section 697.340 and may be extended as provided in Code of Civil Procedure Sections 683.110 through 683.220.
- C. Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.
- D. Prior to recording any such lien the following must occur:
 1. A report shall be prepared and filed with the City Clerk stating the amounts due and owing.
 2. The City Clerk shall fix a time, date, and place for hearing such report and any protests or objections thereto by the City Council.
 3. A written notice to be served on each property owner whose interest is disclosed by the current County equalized assessment roll not less than ten (10) days prior to the time set for the hearing.
 4. The City Council shall adopt a resolution approving the amount of the lien at least thirty (30) days prior to recordation. (Ord. 735 N.S., 10/2017)

SEC. 1.23 PUBLIC HEARING AND PROTESTS OF PROPOSED LIENS

- A. Any person owning a legal or equitable interest in real property proposed to be subject to a lien pursuant to this article may file a written protest with the City Clerk and/or may protest orally at the City Council hearing.
- B. Each written protest or objection must contain a description of the property in which the protesting party has a legal or equitable interest and the grounds of such protest or objection. The grounds for protest or objection, and any evidence or testimony submitted in support or in opposition to the imposition of a lien, shall be limited to whether the amount of any fine, administrative penalty, and/or administrative cost imposed was satisfied in full within the time allowed by law and/or was successfully challenged by a timely writ of mandate.
- C. The City Council, after the hearing, shall adopt a resolution confirming, discharging, or modifying the amount of the lien based upon evidence produced at the hearing. (Ord. 735 N.S., 10/2017)

SEC. 1.24 RECORDING OF LIEN

Thirty (30) days following the adoption of a resolution by the City Council imposing a lien, the City Clerk may file the same as a judgment lien in the Office of the County Recorder of Alameda County. The lien may carry such additional administrative fines, penalties, and recoverable costs as set forth by resolution of the City Council. (Ord. 735 N.S., 10/2017)

SEC. 1.25 SATISFACTION OF LIEN

Once payment in full is received by the City for outstanding penalties and costs, the City Clerk shall either record a notice of satisfaction or provide any property owner or financial institution having a legal or equitable interest in the property with a notice of satisfaction so they may record this notice with the Office of the County Recorder. Such notice of satisfaction shall cancel the City's lien. (Ord. 735 N.S., 10/2017)

SEC. 1.26 METHOD OF SERVICE

Unless otherwise provided by this article, all notices or documents served pursuant to this article shall be served by one or more of the methods described below:

- 1. Certified Mail. Certified mail shall be addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known, and addressed to anyone known to the City Compliance Officer to be in possession of the property at the street address of the property being abated or a responsible person. Simultaneously, the notice of violation must be sent by regular mail. Service is deemed completed on the day the notice is sent Certified and regular mail. Where a notice of violation or administrative citation is served by certified mail, the

issuance date listed in the notice of violation or administrative citation shall be the date the document is sent by certified and regular mail.

2. **Personal Service.** Personal service is deemed complete on the date the notice is personally served. Where a notice of violation or administrative citation is served by personal service, the issuance date listed in the notice of violation or administrative citation shall be the date the document is personally served.
3. **Posting and Publishing.** Where the owner's address is unknown, service may be accomplished by posting and publication. Posting of the notice and order shall be conspicuously on or in front of the property. If the property has no frontage, posting shall be on the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner. Within five (5) days of posting the notice on or in front of the property, the notice shall be published in a newspaper of general circulation within the City of Piedmont. The failure of a person to receive a properly addressed service shall not affect the validity of the proceedings. Service is deemed complete on the day the notice is posted on or in front of the property. Where a notice of violation or administrative citation is served by posting and publishing, the issuance date listed in the notice of violation or administrative citation shall be the date the document is published. (Ord. 735 N.S., 10/2017)

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