



Development Services Department

Code Enforcement Division

What actions should I expect from Code Enforcement once an alleged violation is reported?

In most cases, the person responsible for an alleged violation is issued a notice of violation and given an opportunity to voluntarily comply and correct the situation. Once the deadline in the notice of violation has expired, the owner and/or responsible person(s) is subject to one or more of the actions listed below.

If correcting the violation involves the issuance of a permit, an investigative fee shall be assessed to defray the expense of investigation and enforcement.

Administrative Citation: Fines of \$100, \$200, or \$500 per violation for 1st, 2nd, or 3rd citation respectively. Each day that the violation occurs or continues is considered a separate offense.

Criminal Prosecution: Fines up to a maximum of \$1,000 with a possibility of up to 6 months imprisonment for each day the violation continues.

Cease and Desist Order: An order to cease all activity identified as a violation. Ignoring the order is a misdemeanor.

Reinspection Fees: Full cost recovery for all inspections if the violation is not corrected within the timeframe identified in the notice of violation.

Full Cost Recovery: Recovery of all City costs associated with investigation, enforcement, and resolution of a violation.

Notice of Violation Recordation: A notice of violation may be recorded against the property with the county recorder for discovery during a title search. Recordation and cancellation of recordation costs will be assessed per CVMC Section 1.41.040.

Nuisance Abatement: Following due process, the City may take any action necessary to eliminate the violation. The violator shall reimburse the City for all costs associated with the investigation and abatement.

Non-Issuance of Permits: Any City-issued permits may be withheld until the violation has been corrected.

Civil Penalties: Penalties of up to \$1,000 per day, with each day being a separate offense, not to exceed \$100,000 per property.

Real Property Liens: A lien may be placed against the real property as a means of recovering costs incurred by the City as a result of a code violation.

Recorded Assessment: An assessment, to be collected in the same manner as municipal taxes, may be recorded as a means of recovering costs incurred by the City as a result of responding to a code violation.

Below are the provisions of the Chula Vista Municipal Code referring to Full Cost Recovery.

1.41.140 Cost Recovery: Pursuant to Government Code Section 38773, costs and penalties that may be recovered and enforced against responsible parties under the chapter include, but are not limited to, the following:

- A. City's direct cost for abatement of nuisances, together with applicable overhead;
- B. Costs of salary and applicable overhead of those city employees and contract personnel involved in the investigation, enforcement and remediation or abatement of a nuisance;
- C. City costs for equipment use or rental;
- D. Attorney's fees;
- E. Court costs and witness fees;
- F. Costs of geotechnical, engineering and other technical services and studies;
- G. Administrative fines and civil penalties imposed pursuant to this chapter;
- H. Reinspection fees pursuant to CVMC 1.41.060;
- I. Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating nuisances and violations;
- J. Any other fee, cost, or expense reasonably and rationally related to the city's enforcement efforts to abate a nuisance or correct a violation of this code or applicable state law;
- K. Treble damages recoverable pursuant to Government Code Section 38773.7. (See CVMC 1.41.160(c). (Ord. 2718 § 3, 1998).

1.41.150 Confirmation of costs: Following the conclusion of the city's remediation, abatement or corrective actions, the director shall notify the property owner and appropriate responsible parties of a proposed assessment of costs against each individually and as a lien or assessment against the real property that was the subject of abatement or corrective action. Notice and an opportunity to be heard and contest the basis for the assessment of costs or lien shall be provided to those parties in accordance with Chapter 1.40 CVMC. Following any hearing or waiver thereof, the city manager may then issue a final order of confirmation of costs against the respective responsible parties. (Ord. 2718 § 3, 1998).

1.41.160 Enforcement:

- A. In accordance with Government Code Section 38773, the city manager or a director, or both as appropriate, may enforce the confirmation of costs as follows:
 - 1. As a personal obligation against a responsible party; and
 - 2. Either:
 - a. As a recorded lien with the priority of a judgment lien in the real property records of the county against any real property which was the subject of abatement or corrective action; or
 - b. As an assessment against the property which was subject to abatement or corrective action, to be collected in the same manner as municipal taxes.
- B. The city manager, city attorney or director is authorized to obtain judicial enforcement for the foreclosure of the lien, where appropriate. In addition, pursuant to Government Code Section 38773.7, the city manager may seek treble damages for the abatement costs where the corrective action arose out of or constituted a second or subsequent civil or criminal judgment within a two-year period, as provided for in that section. Enactment of this subsection constitutes the enactment of an ordinance authorizing the recovery of treble damages in accordance with Government Code Section 38773.7. (Ord. 2718 § 3, 1998).