

ORDINANCE NO. 26-20 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RICHMOND ADDING CHAPTER 1.14 OF THE
MUNICIPAL CODE REGARDING COST RECOVERY,
AND AMENDING CHAPTERS 1.04, 2.62, 2.63, 6.40, 9.04,
9.22, 9.40, 9.42, 9.50, AND 11.76, TO CREATE AND
IMPLEMENT A COMPREHENSIVE FINE AND COST
RECOVERY PROGRAM FOR ALL NUISANCE
ABATEMENT ACTIONS**

WHEREAS, California Constitution, article XI, section 7, authorizes the City of Richmond (“City”) to adopt and enforce local police, sanitary, and other ordinances and regulations that are not in conflict with the general laws.

WHEREAS, Government Code sections 36901, 38771, 38773.1, and 38773.5 authorize the City to enact ordinances establishing what constitutes public nuisances, procedures for abating nuisance conditions, procedures for recovery of all costs and attorneys’ fees related to abatement of nuisances, and procedures for collection of civil penalties.

WHEREAS, violations of the Richmond Municipal Code (“RMC”) threaten the health, safety, and welfare of the public, burden scarce City resources, and diminish the quality of life in the City and, therefore, constitute public nuisances.

WHEREAS, the City recognizes that responding to and abating public nuisances and other violations of law, including the RMC, is costly, time-consuming, and burdensome.

WHEREAS, the City finds that effective code enforcement requires comprehensive fine and cost recovery tools and procedures.

WHEREAS, recovery of fines and costs from parties responsible for violating applicable laws and maintaining public nuisances will enable the City to replenish resources needed to meet the increasing demands on code enforcement and public services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION I. RMC chapter 1.14 (Cost Recovery) is hereby added, and is to read in its entirety as follows:

Chapter 1.14

COST RECOVERY

Sections:

1.14.010	Cost Recovery Program
1.14.020	Definitions
1.14.030	Nuisance Abatement Cost Recovery
1.14.040	Attorneys’ Fees and Costs
1.14.050	Collection Remedies
1.14.060	Administrative Procedure for Recovering Abatement Costs
1.14.070	Abatement Costs Hearing
1.14.080	Service
1.14.090	Nuisance Abatement Lien
1.14.100	Special Assessment
1.14.110	Notice of Pendency of Nuisance Abatement Action
1.14.120	Collection by Court Judgment
1.14.130	Collection Costs
1.14.140	Interest

1.14.010 Cost Recovery Program

This Chapter is intended to create a comprehensive cost recovery program as authorized by law for the abatement of public nuisances and the enforcement of this Code. The provisions of this Chapter shall supersede and replace any inconsistent provisions contained within this Code.

1.14.020 Definitions

For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

- A. "Abatement Costs" means and includes all costs, expenses, fines, and fees, such as administrative expenses, administrative fines, civil fines, penalties, staff time, variable costs, fixed costs, inspection costs, investigation costs, enforcement costs, abatement costs, litigation fees, litigation costs, Hearing Costs, attorneys' fees and costs, and all other costs and expenses related to, arising out of, or incurred by the City relating to any enforcement action pursuant to this Code to the fullest extent permitted by law.
- B. "City Manager's Designee" means and includes the City Manager or the person designated by the City Manager to fulfill the responsibilities required by this Chapter.
- C. "Collection Costs" means any costs, expenses, or fees, including attorneys' fees, that are incurred by the City to enforce or collect upon any unpaid Abatement Costs or any other amounts owed to the City or the public pursuant to this Code.
- D. "Decision" means the decision of the Hearing Officer at the conclusion of an administrative hearing held in accordance with this Chapter.
- E. "Enforcement Official" means and includes any City employee or agent of the City authorized by this Code, the City Council, or the City Manager to enforce any provision of this Code.
- F. "Hearing Costs" means and includes all costs, expenses, and fees, including Hearing Officer fees and attorneys' fees, related to any administrative hearing held pursuant to this Chapter.
- G. "Interested Party" or "Interested Parties" means and includes each person or entity with a legal interest in any Nuisance Property that is the subject of a Nuisance Abatement Action.
- H. "Invoice" means the invoice identifying all Abatement Costs that the City is entitled to recover related to a Nuisance Abatement Action.
- I. "Nuisance" and "public nuisance" means and includes any violations of this Code, any adopted code, any State or federal law, or any other unlawful or nuisance condition.
- J. "Nuisance Abatement Action" means any code enforcement activity or nuisance abatement activity taken by the City, including, but not limited to, any legal action, administrative action, or civil action intended to cause or compel compliance with, or to enforce any, provisions of this Code, any adopted codes, or any applicable State or federal laws.
- K. "Nuisance Property" means the parcel of real property containing nuisance conditions that is the subject of a Nuisance Abatement Action.
- L. "Responsible Party" or "Responsible Parties" means and includes all parties responsible for causing, allowing, or maintaining a public nuisance, including, but not limited to, the owners, trustees, managers, custodians, tenants, lessees, licenses, beneficiaries, and occupants of the Nuisance Property upon which a public nuisance was caused, allowed, or maintained.

M. "Requesting Party" means and includes any Responsible Party or Interested Party to whom an Invoice has been issued that properly requests a hearing on the amount of Abatement Costs as required by this Chapter.

1.14.030 Nuisance Abatement Cost Recovery

The City is entitled, and is hereby authorized, to recover all Abatement Costs related to, arising out of, or incurred by the City as a result of any Nuisance Abatement Action to the fullest extent permitted by law. Each Responsible Party shall be jointly and severally liable to the City for all the City's Abatement Costs.

1.14.040 Attorneys' Fees and Costs

Unless the City elects, at the initiation of any Nuisance Abatement Action, not to seek attorneys' fees, the prevailing party in such Nuisance Abatement Action shall be entitled to recover its reasonable attorneys' fees, not to exceed the amount of reasonable attorneys' fees incurred by the City in the Nuisance Abatement Action. In the event the City prevails, the attorneys' fees awarded to the City shall be included as Abatement Costs. Non-prevailing parties shall be jointly and severally liable for all attorneys' fees and costs owed to the prevailing party. The City shall be deemed the prevailing party in a Nuisance Abatement Action if a nuisance condition is proven to have existed on a Nuisance Property when the City initiated its Nuisance Abatement Action even if the nuisance condition is cured prior to the conclusion of the Nuisance Abatement Action.

1.14.050 Collection Remedies

In addition to any other remedy set forth in this Code or provided by law, the City is authorized to initiate any administrative or civil action to recover all Abatement Costs, and to pursue recovery of all Abatement Costs in any Nuisance Abatement Action to the fullest extent permitted by law. Each of the Responsible Parties shall be jointly and severally liable for all Abatement Costs. Unpaid Abatement Costs may be recovered as a lien and special assessment against the Nuisance Property, as provided in this Chapter.

1.14.060 Administrative Procedure for Recovering Abatement Costs

- A. The administrative cost recovery procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity.
- B. In accordance with this Chapter, the City shall serve upon each Responsible Party and each Interested Party an Invoice identifying all Abatement Costs related to a Nuisance Abatement Action.
- C. Any Responsible Party or Interested Party to whom an Invoice has been issued shall have 45 days from the date of the Invoice to remit full payment of the Invoice to the City. Payment shall be submitted to the City as specified in the Invoice. The Invoice shall further indicate that any unpaid amounts may become a lien and special assessment against the Nuisance Property.
- D. Any Responsible Party or Interested Party to whom an Invoice has been issued may, within 15 days from the date of the Invoice, request a hearing on the amount of Abatement Costs. A request for hearing must be made in writing to the City Clerk and contain the following information:
 - 1. The Requesting Party's full legal name.
 - 2. The Requesting Party's mailing address for service.
 - 3. The Requesting Party's phone number.
 - 4. The amount of Abatement Costs disputed.
 - 5. The specific legal and factual grounds for all disputes of the Invoice and Abatement Costs.

- E. The failure of any Responsible Party or Interested Party to properly and timely request a hearing shall constitute a waiver by that party of that party's right to contest the Invoice and the Abatement Costs, a waiver by that party of that party's right to a hearing, a failure by that party to exhaust that party's administrative remedies, a bar to any further challenge to the Invoice and Abatement Costs by that party, and an admission by that party to that party's liability for the Abatement Costs as assessed.

1.14.070 Abatement Costs Hearing

- A. If a hearing is timely and properly requested, the City Manager's Designee shall appoint a neutral and impartial Hearing Officer to hold and conduct an administrative hearing in accordance with this Chapter. A Hearing Officer shall be a neutral third-party contracted by the City and selected in a manner that avoids the potential for any bias against any parties to the hearing. The Hearing Officer's compensation, if any, shall be paid by the City; however, the non-prevailing parties shall be jointly and severally liable to reimburse the City and the public for the costs of the hearing and the Hearing Officer's compensation. The Hearing Officer's compensation shall not be directly or indirectly conditioned upon the outcome of the hearing.
- B. The City shall endeavor to set a hearing within 60 days from the date that a timely and proper hearing request is filed, or upon any other date mutually agreed upon by all parties to the hearing. The City shall provide notice of the date, time, and location of the hearing to all Requesting Parties at least 10 days prior to the hearing. The hearing notice shall specify that failure by a Requesting Party to appear at the hearing will constitute a waiver of that party's right to contest the Invoice and the Abatement Costs, a waiver of that party's right to a hearing, a failure by that party to exhaust their administrative remedies, a bar to any further challenge to the Invoice and the Abatement Costs by that party, and an admission to that party's liability for the Abatement Costs as assessed.
- C. The Hearing Officer shall hold an informal administrative hearing. Formal rules of evidence shall not apply to this hearing; however, there shall be an opportunity to present testimony, documentary evidence, and other evidence to the Hearing Officer, and to cross-examine witnesses. Only the Requesting Parties and the City may participate in the hearing.
- D. Administrative citations, administrative orders, administrative decisions, criminal convictions, civil judgments, and other similar proceedings, unless being actively and validly contested or appealed, shall be conclusive as establishing the adjudicated matters, such as the identity of the Responsible Parties and the existence of the nuisances, and those adjudicated matters shall not be subject to dispute at the Abatement Costs Hearing.
- E. The Hearing Officer may continue the hearing and request additional information as is reasonable and necessary.
- F. Not later than 30 days after the date on which the administrative hearing concludes, the Hearing Officer shall issue a written Decision approving, denying, or modifying the amount of the Abatement Costs that the City is entitled to recover. The Hearing Officer's Decision shall be final. The City shall serve notice of the Hearing Officer's Decision in accordance with this Chapter. Failure by the Hearing Officer to strictly comply with this provision shall not invalidate the Invoice nor the Decision.
- G. The Hearing Costs shall be advanced by the City; however, the non-prevailing parties shall be ultimately liable to reimburse the City for the Hearing Costs. If any cost recovery is upheld, even in part, the City shall be the prevailing party, and the Requesting Parties shall be liable to the City for the Hearing Costs in proportion to the amount of Abatement Costs upheld by the Hearing Officer. If cost recovery is entirely denied, the Requesting Parties shall be the prevailing parties and shall not be liable to reimburse the City for the Hearing Costs.

- H. If the City is the prevailing party, the Hearing Officer's Decision shall order the Responsible Parties to pay the confirmed amount of Abatement Costs to the City within 30 days, and shall specify that any confirmed Abatement Costs not paid within 30 days shall become a lien and special assessment against the Nuisance Property.

1.14.080 Service

- A. Whenever a notice or document is required to be served by this Code, unless specifically provided otherwise, it may be served by any one of the following methods:
1. Personal service on the party.
 2. First-class or certified mail to the party at that party's last known address.
 3. By posting in a conspicuous place at the entrance to the Nuisance Property.
 4. For any party registered with the Secretary of State, by certified mail to that party's agent for service of process at the address registered with the Secretary of State, or as otherwise permitted by law. For any such party required to register with the Secretary of State that has not designated an agent for service of process with the Secretary of State, then a notice may be served on that party by certified mail to the Secretary of State.
 5. By email when an email address is provided by that party.
 6. In any other manner reasonably calculated to effectuate notice.
- B. Service by posting shall be deemed effective at the time of posting. Service by mail shall be deemed effective upon deposit in the mail.
- C. The failure of any party to receive any notice or document served in accordance with this Chapter shall not affect the validity of the notice or document, the validity of its service, any proceeding conducted pursuant to that notice or document, nor the City's cost recovery rights.
- D. Unless otherwise provided in the Invoice, all notices and documents required to be served on the City pursuant to this Chapter must be personally served or mailed to the City Clerk's office. The notice or document must be received by the City within the time specified for service.

1.14.090 Nuisance Abatement Lien

- A. If the Abatement Costs are upheld, in full or in part, by the Hearing Officer, or if the time for requesting a hearing has elapsed and the Invoice has not been paid in full within the time designated by this Chapter, the City may record a nuisance abatement lien against the Nuisance Property for any unpaid amount.
- B. Prior to recording a nuisance abatement lien, the City shall serve notice of the lien on all persons or entities with a recorded interest in the Nuisance Property. In addition, the owners of record shall be served with notice of the lien at the address provided in the last equalized assessment roll or the supplemental roll for the Nuisance Property, whichever is more current, in the same manner as a summons in a civil action in accordance with Code of Civil Procedure, part 2, title 5, chapter 4, article 3 (commencing with Section 415.10). If the owner of record cannot be found after diligent search, notice of the lien may be served by posting a copy of the notice in a conspicuous place upon the Nuisance Property for a period of 10 days.
- C. In the event that the lien is discharged, released, or satisfied, then notice of the discharge, release, or satisfaction shall be recorded on the Nuisance Property.

D. If the lien is not satisfied within 90 calendar days, the City may foreclose on the lien.

E. Notice of the lien shall be in the form substantially as follows:

NOTICE OF ABATEMENT LIEN

(Claim of City of Richmond)

Pursuant to Richmond Municipal Code (“RMC”) chapter 1.14, on or about [MONTH] [DAY], [YEAR], the City of Richmond (“City”) instituted a nuisance abatement action against the herein described parcel of real property intended to cause or compel compliance with the RMC. The City has incurred costs, expenses, and fees that have not been reimbursed by the responsible parties. Accordingly, the City is entitled to, and hereby claims, a lien against the Nuisance Property in the amount of \$[AMOUNT], plus interest, until this amount has been paid in full and discharged of record. The record owner of the nuisance property is [RECORD OWNER NAME]. The Nuisance Property is the parcel of real property located in the City of Richmond, County of Contra Costa, State of California at [STREET ADDRESS], Richmond, California [ZIP], Assessor’s Parcel Number [APN]. The legal description for the Nuisance Property is:

[LEGAL DESCRIPTION]

Dated: [MONTH] [DAY], [YEAR]

City Manager’s Designee
City of Richmond, California

1.14.100 Special Assessment

- A. If the Abatement Costs are upheld, in full or in part, by the Hearing Officer, or if the time for requesting a hearing has elapsed and the Invoice has not been paid in full within the time designated by this Chapter, the City may levy a special assessment against the Nuisance Property for any unpaid amount. The special assessment may also be recorded against the Nuisance Property. The recording shall specify that the Nuisance Property may be sold by the County after three years by the tax collector for the unpaid delinquent assessments.
- B. Prior to recording, the City shall serve notice by certified mail of the special assessment on all persons or entities with a recorded interest in the Nuisance Property.
- C. Notice of the special assessment shall be provided to the tax collector for the County to add to the next regular tax bill levied against the Nuisance Property, and it shall be collected at the same time and in the same manner as ordinary taxes are collected, subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for other taxes.
- D. After recordation, the special assessment may be foreclosed on as a lien in the manner and means provided by law.

E. The recorded special assessment shall be in the form substantially as follows:

NOTICE OF SPECIAL ASSESSMENT LIEN

(Claim of City of Richmond)

Pursuant to Richmond Municipal Code (“RMC”) chapter 1.14, on or about [MONTH] [DAY], [YEAR], the City of Richmond (“City”) instituted a nuisance abatement action against the herein described parcel of real property intended to cause or compel compliance with the RMC. The City has incurred costs, expenses, and fees that have not been reimbursed by the responsible parties. Accordingly, the City is entitled to, and hereby claims, a special assessment lien against the Nuisance Property in the amount of \$[AMOUNT], plus interest, until this amount has been paid in full and discharged of record. The record owner of the nuisance property is [RECORD OWNER NAME]. The Nuisance Property is the parcel of real property located in the City of Richmond, County

of Contra Costa, State of California at [STREET ADDRESS], Richmond, California [ZIP], Assessor's Parcel Number [APN]. The legal description for the Nuisance Property is:

[LEGAL DESCRIPTION]

Dated: [MONTH] [DAY], [YEAR]

City Manager's Designee
City of Richmond, California

1.14.110 Notice of Pendency of Nuisance Abatement Action

Upon initiating any Nuisance Abatement Action, the Enforcement Official may record a Notice of Pendency of Nuisance Abatement Action ("NoP") with the County Recorder's Office. The NoP shall identify the City's enforcement and cost recovery rights. Any costs associated with recording, or withdrawing, a NoP shall constitute Abatement Costs subject to recovery pursuant to this Chapter.

1.14.120 Collection by Court Judgment

In addition to any other available remedies, the City may bring a civil action and obtain a judgment in the Superior Court for the purpose of collecting any unpaid Abatement Costs imposed pursuant to this Chapter. That action may be filed as a small claims, limited civil, or unlimited civil case, depending on the amount at issue.

1.14.130 Collection Costs

The City is entitled to recover all Collection Costs incurred by the City to enforce or collect upon any unpaid Abatement Costs or any other amounts owed to the City or the public pursuant to this Code. The parties owing the amounts being collected shall be jointly and severally liable to the City for those Collection Costs. The liable parties shall be given notice and an opportunity to contest the Collection Costs in the same manner as for Abatement Costs pursuant to this Chapter. Collection Costs are subject to enforcement and collection in the same manner and means as Abatement Costs.

1.14.140 Interest

The City is entitled to recover interest at the legal rate, currently 10 percent per year, on any overdue Abatement Costs, Collection Costs, or other amounts owed to the City or the public pursuant to this Code. The liable parties for the overdue amounts shall be jointly and severally liable for the interest as well. Interest is subject to enforcement and collection in the same manner and means as Abatement Costs.

SECTION II. RMC section 1.04.160 (Cumulative Remedies) is hereby amended, and is to read in its entirety as follows:

1.04.160 Cumulative Remedies

The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION III. RMC section 2.62.120 (Recovery of Administrative Citation Fines and Costs) is hereby amended, and is to read in its entirety as follows:

2.62.120 Recovery of Administrative Citation Fines and Costs

The City may collect any past due administrative citation fine or late payment charges by use of all available legal means, including, but not limited to, means available for the collection of judgments, liens, and actions for recovery of money. The City also may recover its collection costs. The procedures provided in this Chapter are in addition to all

other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION IV. RMC section 2.63.060 (Cumulative Remedies) is hereby amended, and is to read in its entirety as follows:

2.63.060 Cumulative Remedies

The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code. All procedures herein are intended to obtain the abatement of public nuisances and compliance with those provisions of the Richmond Municipal Code that are declared to be public nuisances. As such, recovery of administrative expenses and costs in pursuing the rights and remedies under these procedures are allowable as fees, costs, and charges incurred by the City in the abatement of public nuisances.

SECTION V. RMC section 6.40.150 (Recovery of Attorneys' Fees) is hereby amended, and is to read in its entirety as follows:

6.40.150 Recovery of Attorneys' Fees

In any action, administrative proceeding, or special proceeding to abate a nuisance or a violation of this Code, the prevailing party may recover its reasonable attorneys' fees pursuant to Government Code section 38773.5 unless the City elects at the outset of that action or proceeding not to seek or allow the recovery of attorneys' fees. An award of attorneys' fees to a prevailing party shall not exceed the amount of reasonable attorneys' fees incurred by the City in that action, administrative proceeding, or special proceeding. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION VI. RMC section 9.04.110 (Charges for and Recovery of Costs Incurred) is hereby amended, and is to read in its entirety as follows:

9.04.110 Charges for and Recovery of Costs Incurred

The Director of Public Health of Contra Costa County shall be entitled to charge the City of Richmond for any inspections or abatement proceeding conducted by that office in conjunction with the enforcement of any portion of this Article, provided however that the charges for such inspection or abatement proceedings shall be based on an hourly rate representing the actual costs incurred by the director of public health as determined by the Auditor's office of the County of Contra Costa; and in conjunction therewith, the Finance Director of the City of Richmond shall be entitled to take whatever action is necessary, including but not limited to placing a special levy on the property tax roll for the property in question, to recover the actual costs the City of Richmond must pay the director of public health for services rendered, plus the City's administrative costs which shall be based, as determined annually by the finance director, upon the actual expenses incurred by the City in the administration of the pertinent sections of this Article. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION VII. RMC section 9.22.080 (Violation—Penalty) is hereby amended, and is to read in its entirety as follows:

9.22.080 Violation—Penalty

In addition to all other remedies and penalties available under other sections of this Code or under other laws, any person, firm, or corporation, whether owner, trustee, tenant, lessee, sublessor, sublessee, licensee, beneficiary, or occupant of any premises who violates the provisions of this Code shall be subject to an administrative citation pursuant

to Chapter 2.62 of this Code for each day such violation continues. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION VIII. RMC section 9.40.030 (Procedure for Abatement of Attractive Nuisances) is hereby amended, and is to read in its entirety as follows:

9.40.030 Procedure for Abatement of Attractive Nuisances

- A. When such an attractive nuisance as described in Section 9.40.020 of this Code exists, it shall be the duty of the City's director of public works to notify, in writing, the owner of such premises to abolish and abate such nuisance and, if necessary, to remove the matter.
- B. Such notice shall provide a specified reasonable time in which such nuisance must be abated or removed.
- C. Before complying with the requirements of the notice, the owner may request a hearing before the City director of public works at a time and place fixed by him within seven days of the request for the hearing. However, such request must be made within the time limit specified in the notice of abatement.
- D. The City Director of public works shall redetermine whether or not a nuisance, as described in Section 9.40.020, exists and whether or not the owner shall abate the nuisance and prevent its recurrence and shall specify time within which the work shall be completed.
- E. In the event the nuisance is not abated within the time specified in the notice and/or at the hearing, the City may abate such nuisance, and the person whose duty it was to abolish or abate such nuisance as requested by the City Director of public works, in addition to incurring penalties as provided in this chapter, shall become indebted to the City for the damages, costs, and charges incurred by the City by reason of the existence of the nuisance or removal of the matter. This cost may become a lien upon the property on which the nuisance existed.
- F. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION IX. RMC section 9.42.090 (Assessment and Collection of Costs) is hereby amended, and is to read in its entirety as follows:

9.42.090 Assessment and Collection of Costs

The owners of the property upon which the graffiti has been abated shall become personally indebted to the City for the total costs of abatement as determined by the City Council. If such costs are not paid, the Director of Finance shall have the costs entered upon the assessment roll to be collected at the same time and in the same manner as ordinary municipal taxes are collected. If such costs are not paid, the City Council may, at its option, by resolution, order that all of the costs of abatement shall constitute a lien upon the property from which such abatement occurred and shall direct the Director of Finance to record a certified copy of such resolution in the Recorder's Office of Contra Costa County. The City Attorney shall thereupon proceed for foreclosure upon such lien and to collect all of the amounts owing to the City in the manner provided by law. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION X. RMC section 9.50.080 (Violations—Enforcement) is hereby amended, and is to read in its entirety as follows:

9.50.080 Violations—Enforcement

- A. In addition to all other remedies and penalties available under this Chapter, under other sections of this Code, or under other laws, any person, firm, or corporation, whether owner, trustee, tenant, lessee, sublessor, sublessee licensee, beneficiary, or occupant of any premises who violates the provisions of this Code shall be guilty of an infraction for each day such violation continues and shall be subject to the penalties set forth in Section 1.04.100 of this Code, except that a violation may be charged as a misdemeanor subject to the conditions and requirements of Section 1.04.140 of this Code.
- B. In addition to all other remedies and penalties available under this Chapter, under other sections of this Code, or under other laws, any violation of this Chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City. In any such action, civil penalties may also be sought by the City, as specified in Section 1.04.150 of this Code.
- C. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION XI. RMC section 11.76.110 (Special Assessment Lien) is hereby amended, and is to read in its entirety as follows:

11.76.110 Special Assessment Lien

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to this Chapter are not paid within 30 days of the removal of the vehicle or part thereof, the costs shall, by resolution of the City Council, be assessed and become a special assessment lien against the parcel of land and be collected by the Contra Costa County Tax Assessor in the same manner as taxes upon real property. The procedures provided in this Chapter are in addition to all other remedies and cost recovery options available to the City by law or in equity, including, but not limited to, those provided in Chapter 1.14 of this Code.

SECTION XII. Any provisions of the RMC, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION XIII. Compliance with California Environmental Quality Act. The Richmond City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to California Code of Regulations, title 14, chapter 3 (“CEQA Guidelines”), sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project, the City Council finds that this Ordinance is exempt pursuant to CEQA Guidelines section 15061(b)(3).

SECTION XIV. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause, or phrase.

SECTION XV. Effective Date. This Ordinance becomes effective 30 days after its final passage and adoption.

First read at a meeting of the Council of the City of Richmond held on October 20, 2020, and finally passed and adopted at a regular meeting thereof held on November 10, 2020, by the following vote:

AYES: Councilmembers Choi, Johnson III, Martinez, Myrick, Vice Mayor Bates, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Willis.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 26-20 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 10, 2020.



Pamela Christian, City Clerk of the City of Richmond