

**COUNCIL POLICY
CITY OF CHULA VISTA**

**SUBJECT: Enforcement of Chula Vista Municipal
Code Section 15.60**

**POLICY
NUMBER**

**EFFECTIVE
DATE**

PAGE

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ADOPTED BY: Resolution 2009-

DATED:

AMENDED BY:

BACKGROUND

This policy is part of the City's overall enforcement program for addressing and eliminating blight and stabilizing neighborhood decline. Enforcement of CVMC 15.60, addressing the visual blight and negative impact caused by vacant financially distressed properties, is an important part of the City's overall program.

PURPOSE

The purpose of this policy is to set a standard of enforcement that meets both the needs of the community that is negatively impacted by these unmaintained properties and the mortgage/real estate industry that is charged with maintaining, marketing and financing them.

POLICY

I. PRIORITY

Code enforcement staff shall be responsive to complaints received regarding properties that fall under the authority of CVMC 15.60. Complaints should be triaged and responded to based on their severity and risk to health and safety or visual blight vs. administrative violations. The following are suggested levels of response:

Level 1

Health and Safety

Examples: Open and accessible structures. Unmaintained pools/spas. Unsecured pools/spas. Abandoned appliances that create an attractive nuisance to children. High dry weeds and/or dead vegetation (trees, shrubs etc.) and/or excessive combustible materials that may create a fire hazard or readily increase the spread of fire. Discarded/abandoned chemicals, hazardous materials and/or any substance that may present a risk to the environment. Any other condition that on its own or combined with other conditions may cause a threat to health and safety.

Level 2

Visual Blight

Examples: Overgrown/dead/missing landscape that does not meet the neighborhood standard. Trash, junk and debris. Discarded/abandoned items such as clothing, furniture, building materials etc. Inoperable and/or abandoned vehicles and vehicle parts. Graffiti. Accessible rear yards. Any other condition that on its own or combined with other conditions creates visual blight and/or an attractive nuisance.

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Level 3

Administrative Violations.

Examples: Lack of or improper registration. Lack of or improper posting.

II. INSPECTIONS

Inspections should be thorough, and care shall be taken to verify that the property falls under the authority of CVMC 15.60 – vacant and under recorded Notice of Default. Officers and staff shall attempt to make contact at the subject property and gather evidence that supports vacancy or legal occupancy as stated in CVMC 15.60. Once it has been determined that the property is vacant, officers shall perform an inspection to determine not only violations of CVMC 15.60, but any other violation of law that may create a hazard to life and safety, an attractive nuisance and/or visual blight.

While in the area of the subject property, officers should be alert to other properties that exhibit signs of violations of CVMC 15.60, which may require similar investigation.

III. NOTIFICATION, FINES AND PENALTIES

Code enforcement officers and staff shall research pertinent records to determine ownership and foreclosure status of the subject property as well as the names and addresses of all recorded interests and responsible parties.

Notice of violations observed at the property shall be provided in writing to all recorded interests via 1st-class and certified mail to the address or addresses provided on registration forms, both hard copy and electronic, and title documents recorded with the San Diego County Recorders Office.

Code enforcement officers and staff shall identify and list all violations observed at the property, provide the corrective action required, advise of the consequences and penalties for non-compliance and, in non-emergency situations, allow a minimum of thirty (30) calendar days for compliance.

As allowed in CVMC 1.41.110 (E), fines and penalties for non-compliance should be assessed based on their severity and negative impact on the surrounding neighborhood. Code enforcement officers and staff should also take into consideration the duration of the violation(s), frequency of the violation(s), history of the violation(s), the financial ability of the responsible party to correct the violation(s) in a timely manner and any good or bad faith efforts to resolve violations. The following civil penalties are suggested:

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Level 1
Health and Safety \$500 per day
 Examples: Open and accessible structures. Unmaintained pools/spas. Unsecured pools/spas. Abandoned appliances that create an attractive nuisance to children. High dry weeds and/or dead vegetation (trees, shrubs etc.) and/or excessive combustible materials that may create a fire hazard or readily increase the spread of fire. Discarded/abandoned chemicals, hazardous materials and/or any substance that may present a risk to the environment. Any other condition that on its own or combined with other conditions may cause a threat to health and safety.

Level 2
Visual Blight \$250 per day
 Examples: Overgrown/dead/missing landscape that does not meet the neighborhood standard. Trash, junk and debris. Discarded/abandoned items such as clothing, furniture, building materials etc. Inoperable and/or abandoned vehicles and vehicle parts. Graffiti. Accessible rear yards. Any other condition that on its own or combined with other conditions creates visual blight and/or an attractive nuisance. Note: Small amounts of litter, windblown trash or door-to-door delivered periodicals or advertisements do not, on their own, qualify as trash, junk and debris.

Level 3
Administrative Violations \$100 per day
 Examples: Lack of or improper registration. Lack of or improper posting.

The potential of fines and penalties is intended to motivate compliance, which in turn helps to stabilize the surrounding neighborhood, increasing marketability and property values. Under CVMC 15.60, once issued, the Code Enforcement Manager or his/her designee may reduce fines and penalties. The amount of reduction shall be based on good faith efforts of the responsible party to bring the subject property into compliance and any additional open cases involving the same responsible party and the condition of other properties under the authority of the same responsible party and any other information that may be known to the Code Enforcement Manager or his/her designee.

Fines and penalties issued under the authority of CVMC 15.60 during the recorded default prior to foreclosure (Trustee's) sale may be reduced up to 33% provided all violations are corrected within thirty (30) days of the foreclosure (Trustee's) sale. Documentation of sale date and completed correction within thirty (30) days shall be the responsibility of the entity requesting the reduction.

In the case of a "short sale" where the borrower in default has received approval from the lender to sell the property for less the amount owed and the borrower has entered into a valid sales contract the

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Code Enforcement Manager or his/her designee shall waive all Civil Penalties assessed against the property under CVMC 15.60 to allow for completion of the sale without additional penalty to the borrower. Full cost recovery shall be charged and collected as instructed in Section IV.

IV. FULL COST RECOVERY

Code enforcement officers and staff shall track all staff time expended at each property in violation. Those properties that are not brought into compliance within the thirty (30) day time frame allowed in the Notice of Violation (or any extension that has been granted) shall be issued a Full Cost Recovery Notice and Invoice. Full Cost Recovery shall not be subject to reduction or waiver.

V. COMPLIANCE AGREEMENTS

Illegal construction, conversions and additional dwelling units should not, in most cases, be assessed fines and penalties for non-compliance. In the alternative, the Notice of Violation addressing these violations shall be recorded with the San Diego County Recorders Office as soon as possible to provide the responsible party relief from correction to the responsible party and reasonable notice to all potential subsequent interests. The responsibility for correcting illegal construction, conversions and additional dwelling units may be transferred to the purchaser upon entering into a Compliance Agreement. Such agreements shall provide the purchaser not more than one hundred eighty (180) days from the close of escrow to remedy the illegal construction, conversion and/or additional dwelling unit(s). Restrictions for use may be written into such agreements as may be necessary to protect potential inhabitants.

VI. ADDITIONAL AUTHORITY

Nothing in this policy shall restrict or inhibit code enforcement officers and staff from exercising the City's summary abatement powers as stated in CVMC 1.30.030.