



CITY OF LONG BEACH **ORD-24**

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

June 7, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare Ordinance amending the Long Beach Municipal Code Subsections 3.90.020.A, 9.37.090.B, and 9.65.060.D.4 relating to updating section references to Title 18, and Subsection 9.65.140.A relating to allowing delinquent fees to accrue interest where administrative citations have been issued, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

City Council adopted Chapter 9.65, Administrative Citations and Penalties on March 1, 2005 (Chapter 9.65). This Chapter provides administrative remedies to more effectively adjudicate the majority of nuisance-related code violations as identified in Titles 3, 5, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code. The use of Chapter 9.65 (Administrative Citation program) and the establishment of appropriate fines act as a reasonable deterrent in preventing municipal code related violations.

Staff is requesting changes to Section 9.65.140.A to allow liens to accrue interest. Since the implementation of Chapter 9.65, collection of administrative fines has been accomplished via departmental notices, collections, and small claims court. The ordinance also allows for the imposition of a lien against the real property on which the violation occurred. The Department of Development Services has used all of the tools described above and has determined that the use of a lien is a better method for recovering costs incurred by the City.

Title 8 and Title 18 of the Long Beach Municipal Code impose liens due to non-payment and also charges interest at the rate of 12 percent per annum until paid. In an effort to standardize collection processes in the City, staff is recommending that Chapter 9.65 be amended to clarify that any delinquent fines which result in the filing of a lien would also bear interest at the rate of 12 percent per annum until paid.

Staff would also recommend changes to Section 9.65.060.D, 9.37.090.B and 3.90.020.A to correctly identify references to Title 18 of the Long Beach Municipal Code. It is necessary to amend these Sections to appropriately reflect recent changes made to Title 18.

This item was reviewed by Deputy City Attorney Kendra Carney on May 17, 2011 and Budget Management Officer Victoria Bell on May 19, 2011.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

Any revenues received as a result of this action will be deposited into the General Fund (GP) in the Department of Development Services (DV). There will not be an impact on local jobs as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:AR:LR:wa
Chapter 9.65 Ordinance Amendment v9

Attachments: City Council Ordinance
Redline Version

APPROVED:



PATRICK H. WEST
CITY MANAGER

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
 CITY OF LONG BEACH AMENDING THE LONG BEACH
 MUNICIPAL CODE BY AMENDING SUBSECTIONS
 3.90.020.A, 9.37.090.B, 9.65.060.D.4, AND 9.65.140.A,
 RELATING TO UPDATING SECTION REFERENCES TO
 TITLE 18 AND UPDATING CHAPTER 9.65
 (ADMINISTRATIVE CITATIONS) RELATING TO
 ALLOWING DELINQUENT FINES TO ACCRUE INTEREST
 WHERE ADMINISTRATIVE CITATIONS HAVE BEEN
 ISSUED

WHEREAS, with the recent reorganization of Title 18 of the Long Beach
 Municipal Code, certain other sections in the Code need to be updated to correspond to
 the proper Title 18 code sections and California Building Code Sections; and

WHEREAS, Title 8 and Title 18 of the Long Beach Municipal Code impose
 liens due to non-payment and charge interest at the rate of twelve percent (12%) per
 annum until paid, and in an effort to standardize collection processes in the City, Chapter
 9.65 needs to be amended to clarify that any delinquent fines assessed under that
 Chapter which result in the filing of a lien would also bear interest at the rate of twelve
 percent (12%) per annum until paid;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as
 follows:

Section 1. Subsection 3.90.020.A of the Long Beach Municipal Code is
 amended to read as follows:

A. There shall be added to each fee imposed or
 authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code;

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 ROBERT E. SHANNON, City Attorney
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1 and Part 12.01 of the rules, regulations, and charges governing potable
2 water, reclaimed water, sewer service, and the emergency water
3 conservation plan adopted by the Long Beach Board of Water
4 commissioners, a surcharge in an amount as set forth in the schedule of
5 fees and charges established by City Council resolution of such fee.

6
7 Exception. The surcharge shall not apply to the fees or charges provided
8 in Chapters 18.17, 18.18, 18.19, 18.22, and 18.23 of this Code; and
9 Sections ~~18.20.250, 18.20.150~~, 21.60.650 and 21.61.070 of this Code.

10
11 Section 2. Subsection 9.37.090.B of the Long Beach Municipal Code is
12 amended to read as follows:

13 B. The violation of any provisions of the following
14 ~~Uniform Building Code Standards~~ latest edition of the California Building
15 Standards Code ("Title 24 of the California Codes of Regulations") which
16 that have been adopted, as amended, by the City:

- 17 1. ~~Uniform Building Code;~~
- 18 2. ~~National Electrical Code;~~
- 19 3. ~~Uniform Fire Code;~~
- 20 4. ~~Uniform Housing Code;~~
- 21 5. ~~Uniform Plumbing Code;~~
- 22 6. ~~Uniform Mechanical Code.~~
- 23 1. California Building Code
- 24 2. California Residential Code;
- 25 3. California Electrical Code;
- 26 4. California Mechanical Code;
- 27 5. California Plumbing Code;
- 28 6. California Energy Code;

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- 1 7. California Historical Building Code;
- 2 8. California Fire Code;
- 3 9. California Existing Building;
- 4 10. California Green Building Standards Code;
- 5 11. Uniform Housing Code.

7 Section 3. Subsection 9.65.060.D.4 of the Long Beach Municipal Code is
8 amended to read as follows:

9 4. A fine for each violation of Municipal Code,
10 Section 21.41.170 illegal garage conversions, ~~48.08.050~~ 18.02.050 for
11 dangerous buildings, ~~48.46.150~~ 18.08.010 for certificates of occupancy,
12 ~~48.20.080~~ 18.09.010 for failure to comply with Title 18, and/or Subsection
13 21.31.245.C unlawful dwelling units, in an amount established by the City
14 Council by resolution; and

15
16 Section 4. Section 9.65.140.A of the Long Beach Municipal Code is
17 amended to read as follows:

18 A. The failure of the cited party to pay a civil fine or late
19 penalty in a timely manner may result in the imposition of a special
20 assessment and/or lien against the real property on which the violation
21 occurred, after which the amount so determined shall bear interest at the
22 rate of twelve percent (12%) per annum until paid, and/or filing of an action
23 with the Small Claims Court for recovery of the fine and late penalty. The
24 only issue to be adjudicated by the Small Claims Court shall be whether or
25 not the fines and possible late fees were paid. A cited party may only
26 obtain judicial review of the validity of the citation by first requesting and
27 participating in an administrative hearing before a hearing officer. In the
28 small claims court action, the City may also recover its costs, according to

1 proof.

2

3 Section 5. The City Clerk shall certify to the passage of this ordinance by
4 the City Council and cause it to be posted in three (3) conspicuous places in the City of
5 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
6 Mayor.

7 I hereby certify that the foregoing ordinance was adopted by the City
8 Council of the City of Long Beach at its meeting of _____, 20__, by the
9 following vote:

10

11 Ayes: Councilmembers: _____

12 _____

13 _____

14 _____

15 Noes: Councilmembers: _____

16 _____

17 Absent: Councilmembers: _____

18 _____

19 _____

20 _____

21 _____
City Clerk

22 _____

23 _____

24 Approved: _____
(Date) Mayor

25 _____

26 _____

27 _____

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RELATING TO UPDATING SECTION REFERENCES TO
TITLE 18 AND UPDATING CHAPTER 9.65
(ADMINISTRATIVE CITATIONS) RELATING TO
ALLOWING DELINQUENT FEES TO ACCRUE INTEREST
WHERE ADMINISTRATIVE CITATIONS HAVE BEEN
ISSUED

WHEREAS, with the recent reorganization of Title 18 of the Long Beach
Municipal Code, certain other sections in the Code need to be updated to correspond to
the proper Title 18 code sections and California Building Code Sections; and

WHEREAS, Title 8 and Title 18 of the Long Beach Municipal Code impose
liens due to non-payment and charge interest at the rate of twelve percent (12%) per
annum until paid, and in an effort to standardize collection processes in the City, Chapter
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12 amended to read as follows:

13 B. The violation of any provisions of the latest edition of
14 the California Building Standards Code ("Title 24 of the California Codes
15 of Regulations") that have been adopted, as amended, by the City:

- 16 1. California Building Code;
- 17 2. California Residential Code;
- 18 3. California Electrical Code;
- 19 4. California Mechanical Code;
- 20 5. California Plumbing Code;
- 21 6. California Energy Code;
- 22 7. California Historical Building Code;
- 23 8. California Fire Code;
- 24 9. California Existing Building;
- 25 10. California Green Building Standards Code;
- 26 11. Uniform Housing Code.

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2 amended to read as follows:

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5 buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to
6 comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling
7 units, in an amount established by the City Council by resolution; and
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13 assessment and/or lien against the real property on which the violation
14 occurred, after which the amount so determined shall bear interest at the
15 rate of twelve percent (12%) per annum until paid, and/or filing of an action
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17 only issue to be adjudicated by the Small Claims Court shall be whether or
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19 obtain judicial review of the validity of the citation by first requesting and
20 participating in an administrative hearing before a hearing officer. In the
21 small claims court action, the City may also recover its costs, according to
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25 the City Council and cause it to be posted in three (3) conspicuous places in the City of
26 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
27 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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