

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE AMENDING AND RECODIFYING CHAPTER 1 OF THE SALINAS CITY CODE AND REPEALING CHAPTER 2A OF THE SALINAS CITY CODE

City Attorney Analysis

This proposed Ordinance update and recodifies Chapter 1 of the Salinas City Code as a part of the City's effort to update the Salinas City Code. The general provisions of Article I of current Chapter 1 remain unchanged, as do the administrative remedies and procedures set out in Article II of current Chapter 1. The City's Claims Ordinance has been renumbered and recodified in the proposed Ordinance. The City's Conflict of Interest Code, currently codified at Chapter 2A, is incorporated into Chapter 1 as a part of this proposed Ordinance. The provisions of the Conflict of Interest Code remain unchanged. The City Code provisions providing for the authority of Code Enforcement Officers, currently codified at Article X of the Chapter 2, is incorporated into Chapter 1 as a part of this proposed Ordinance as Article 6. The authority of Code Enforcement Officers remains unchanged.

SECTION 1. Chapter 1 of the Salinas Municipal Code shall continue to be titled "General Provisions" and is otherwise hereby amended in its entirety to read as follows and is hereby recodified as follows:

Article 1. General Provisions.

Sec. 1-01.01. How Code Designated and Cited.

The ordinances embraced in the following chapters and sections shall constitute and shall be designated "The Code of Salinas, California," and may be so cited. Such code may also be cited as the "Salinas City Code."

Sec. 1-01.02. 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:

City. The words "the city" or "this city" shall be construed as if following by the words "of Salinas."

Code. The words "the Code" or "this Code" shall mean "The Code of Salinas, California."

Computation of time. 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.

Council, city council. Whenever the words "council" or "city council" are used, they shall be construed to mean the city council of Salinas, California.

County. The words "the county" or "this county" shall mean the county of Monterey of the state of California.

Day. A "day" is the period of time between any midnight and the midnight following.

Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Gender. The masculine gender includes the feminine and neuter.

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

Joint authority. 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.

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

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

Oath. "Oath" includes affirmation.

Officer, office, employee, board, commission or department. Whenever any officer, office, employee, board, commission or department is referred to it shall mean an officer, office, employee, board, commission, or department of the city unless the context clearly requires otherwise.

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.

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

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.

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

Personal property includes every type of property except real property, as defined in this section.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

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

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

Real property shall include lands, tenements, and hereditaments.

Shall, may. "Shall" is mandatory and "may" is permissive.

Signature or subscription. "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. "Signature" also includes an electronic version of an individual's signature or mark.

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

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

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

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

Writing. "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.

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

Sec. 1-01.03. Provisions Considered as Continuations of Existing Ordinances.

The provisions appearing in this Code, so far as they are in substance 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. 1-01.04. 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. 1-01.05. Catchlines of Section.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be Titles of

such sections, not as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-01.06. Severability of Parts of Code.

It is hereby declared to be the intention of the 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. 1-01.07. Discretionary Duty Nonliability.

Whenever the word "shall," "must," or other words of similar mandatory nature are used in this Code or in any other ordinance or resolution of the City or in any rule or regulation of any nature or promulgated by any duly authorized officer, employee, or agent of the City, to establish a responsibility or duty of the City, its elected or appointed officers, employees, or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise or judgment and discretion. Neither the enactment of any such ordinance, resolution, rule, or regulation or the enforcement, nonenforcement thereof, or otherwise, shall impose a liability upon the City, its officers, employees, or agents not otherwise imposed by law.

Sec. 1-01.08. Misdemeanors; Infractions; General Penalty; Continuing Violations.

Whenever in this Code or in any other ordinance of the city or in any order, rule, or regulation issued or promulgated by any duly authorized officer or agent of the City, any act is prohibited or is made or declared to be unlawful or an offense, or the failure to do any act is declared to be unlawful or an offense, the violation of any such provision of the Code or any other ordinance of the City or any such order, rule, or regulation shall be a misdemeanor or an infraction.

Whenever in this Code or in any other ordinance of the city or in any order, rule or regulation issued or promulgated by any duly authorized officer or agent of the city, any act or the failure to do any act is made or declared to be a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision shall be punishable by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Whenever in this Code or in any other ordinance of the city or in any order, rule or regulation issued or promulgated by any duly authorized officer or agent of the city, any act or failure to do any act is made or declared to be an infraction, where no specific penalty is provided therefor, the violation thereof shall be punished upon conviction by a fine not exceeding five hundred dollars.

Any offense which would otherwise be an infraction is a misdemeanor if a defendant has previously been convicted thereof three times or more, and such prior convictions are admitted

by the defendant or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

This subsection shall not apply to any violations of any of the provisions of this Code where specifically noted therein. Every day any violation of this Code or any other ordinance of the city or any such order, rule or regulation continues to occur shall constitute a separate offense, except as otherwise specifically provided.

Sec. 1-01.09. Notice of Violation.

Whenever in this Code, or in any other ordinance of the city, or in any order, rule, or regulation issued by any duly authorized agent of the city, such ordinance, order, rule or regulation requires advance written notice of the ordinance, order, rule, or regulation to be posted, signed, marked, or otherwise given, the service of written notice on the violator shall constitute adequate notice for any like violation occurring subsequent to service of the written notice.

Sec. 1-01.10. Issuance of Citations for Violation of Code or Ordinances; Written Promise to Appear.

If any person is arrested for a violation of any provision of this Code or other ordinance and such person is not immediately taken before a judge or a magistrate as prescribed in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court.

Any person wilfully violating his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

Sec. 1-01.11. Civil Action Enforcement

(a) In addition to the penalties provided for in this chapter, any violation of this code or city ordinance may be redressed by civil action. Any condition existing in violation of this code or a city ordinance or any order, rule or regulation issued or promulgated by any duly authorized officer or agent of the city, is deemed to be a public nuisance.

(b) The city attorney may bring civil suit or other action to enforce any ordinance or section of this Code, to enjoin or prevent any violation of any ordinance, or to abate any public nuisance as defined or declared by this Code.

(c) This remedy by civil action to enforce any ordinance this Code is in addition to any other remedies available under ordinance, city code, or statute and does not replace or support any other remedy but is cumulative thereto.

Sec. 1-01.12. Liability for Costs.

Any person against whom such civil action is filed shall be liable for the costs thereof, which shall include but not be limited to the costs of investigation, court costs, attorney's fees, and costs of monitoring compliance.

Sec. 1-01.13. Additional Liability for Costs of City.

If any person causes, suffers or permits a public nuisance to continue after written notice is given to such person by the city, directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the city for the expenses incurred in detecting, investigating and abating the violations, including attorney's fees and the costs of monitoring compliance. The city may recover such costs by civil action or by billing said person.

Sec. 1-01.14. Warrant for Arrest for Violation of Promise to Appear.

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in section 853.1 of the state Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within twenty days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

Sec. 1-01.15. Judicial Review; Administrative Decisions.

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to the City.

Article 2. City Seal and City Logo.

Sec. 1-02.01. In General.

The seal, now in possession of the clerk of the city, containing in the center the impression of a rising sun over mountains which is surrounded by the words "Salinas, Monterey County, Cal.," is hereby adopted as the seal of the City.

From time-to-time the City Council may adopt a logo as the logo of the City. The logo shall be subject to the same protections and limitations on use as set forth in this Article.

Sec. 1-02.02. Use of the City Seal.

(a) The use of the city seal shall only be for purposes directly connected with official business of the city and other matters, as authorized pursuant to this section or pursuant to this Chapter.

(b) For purposes of this section, the use of the city seal on a flag flown at a commercial or retail use within the city shall be deemed permissible use of the city seal.

(c) The city clerk is empowered to authorize the use of the city seal on items that are offered for sale by the City of Salinas for the purpose of promoting the city.

(d) The city clerk and the city manager may jointly authorize other uses of the city seal upon a finding of public purpose. For purposes of this section, a public purpose shall be one that is directly connected with official business of the city or that is an event, project or other activity organized, sponsored or supported by the city.

(e) Use of the city seal is not authorized for any political campaign or political activity.

Sec. 1-02.03. Unauthorized or Improper Use Prohibited.

No person shall use or allow to be used the city seal or any reproduction or facsimile of the city seal or any use or design which is an imitation of said seal or of the design thereof, or which may be mistaken for the city seal or the design thereof, for any purpose without the express authorization of the city manager and the city clerk. The denial of the city manager and the city clerk of a request to use the city seal may be appealed to the city council upon written request therefor submitted to the city clerk.

Sec. 1-02.04. Violations; Penalties.

(a) Every person who maliciously or without the prior approval of the city manager and the city clerk uses or allows to be used any reproduction or facsimile of the city seal in any manner whatsoever is guilty of a misdemeanor.

(b) For purposes of this section a separate offence shall be deemed to occur each time a written document is prepared, printed or published or in the event the city seal is otherwise used in violation of this Chapter.

(c) In addition to the penalties set forth in this section, the city shall have the right to initiate legal action against any person to enjoin the printing, fabrication, distribution or publication of any material prepared in violation of this Chapter.

Article 3. Conflict of Interest Code and Ethics Training.

Section 1-03.01 - Purpose and effect.

The terms of Title 2, Division 6 of the California Code of Regulations (Section 18730, et seq.), and any amendments thereto duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following sections in which officials and employees are designated and disclosure categories are set forth, constitute the conflict of interest code for the city of Salinas and any local government agency with jurisdiction wholly within the city. This

chapter constitutes the “Appendix” to Title 2, Division 6 of the California Code of Regulations section 18730, et seq.

Sec. 1-03.02. Ethics training.

All individuals holding positions designated in this Chapter, all members of boards, committees, and commissions designated in this Chapter of the City Code, and all city officials enumerated in Government Code Section 87200 must participate in at least two hours of training in general ethics principles and ethics laws relevant to their public service. Training must be completed no later than one year from the first day of assuming a designated office and biennially thereafter. The training course content required to meet this section must satisfy the requirements of Government Code Section 53235. Training participants must provide proof of completion of the training requirement to the Salinas City Clerk’s Office prior to the end of the calendar year in which the training must be taken.

Sec. 1-03.03. Designated positions; disclosure categories.

Designated positions are set forth below in this section. All City officials enumerated in Government Code Section 87200, each employee filing a designated position, and any employee filling a designated position on a temporary or acting basis for more than thirty consecutive calendar days, shall disclose all of the information set forth in all disclosure categories on Fair Political Practices Commission Form 700.

Designated Positions

Accounting manager

Assistant finance director

Airport manager

Animal services manager

Assistant city attorney

Assistant city manager

Assistant development director

Assistant engineer

Assistant planner

Assistant public works director

Assistant redevelopment project manager

Associate engineer

Associate planner
Battalion chief
Building permit specialist
City clerk
Code enforcement officer I & II
Combination building inspector I & II
Computer systems administrator
Community development director
Community development administrative supervisor
Community development analyst
Community safety administrator
Community safety program coordinator
Community services manager
Construction inspector
Construction inspector supervisor
Crime analyst
Deputy chief of police
Deputy city attorney II
Deputy city clerk
Deputy director of environmental maintenance
Deputy fire chief
Deputy fire marshal
Deputy librarian
Deputy public works director/city engineer
Division chief
Economic development manager

Emergency medical services officer
Environmental compliance inspector I & II
Environmental resource planner
Equipment mechanic crew supervisor
Facilities maintenance manager
Facilities maintenance mechanic crew supervisor
Fire chief
Fleet maintenance manager
GIS administrator
Housing services supervisor
Human resources analyst I & II
Human resources officer
Information systems manager
Integration/applications administrator
Junior engineer
Library/community services director
Literacy program manager
Network systems administrator
NPDES permit manager
Park maintenance crew supervisor
Parks, grounds, forestry operations manager
Parking operations officer
Permit center manager/building official
Plan checker I and II
Planning manager
Police chief

Police commander
Police sergeant
Police services administrator
Principal planner
Public service maintenance crew supervisor
Public works administrative supervisor
Public works administrative manager
Public works director
Recreation/community services superintendent
Redevelopment project manager
Revenue officer
Senior accountant
Senior accounting technician
Senior buyer
Senior civil engineer
Senior code enforcement officer
Senior combination building inspector
Senior construction inspector
Senior deputy city attorney
Senior librarian
Senior planner
SL traffic signal crew supervisor
Street maintenance manager
Superintendent of maintenance services
Technical services coordinator
Technical services manager

Traffic engineer

Transportation manager

Urban forestry crew supervisor

Wastewater manager

(b) Each consultant, as defined in 2 California Code of Regulations Section 18701, shall disclose all of the information set forth in all disclosure categories on Fair Political Practices Commission Form 700. The City Manager and executive officer of any local government agency with jurisdiction wholly within the City of Salinas may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus are not required to fully comply with the disclosure requirements of this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the City Manager or executive officer is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Sec. 1-03.04. Place and time of filing.

All employees filing designated positions shall file statements of financial interest with the City Clerk who shall receive such statements on behalf of the code reviewing body. Unless otherwise required by state law, all statements of financial interest shall be deemed timely filed only when received by the City Clerk on or before the following deadlines:

(a) Annual statements shall be filed on or before April 1 of each calendar year. Such statements shall cover the period of the preceding calendar year or from the date of filing of such statement as otherwise required by this Code.

(b) Initial statements shall be filed within thirty days after assuming office disclosing interests held on the date of assuming office.

(c) Leaving office statements shall be filed within thirty days of leaving office. Such statements shall cover the period between the closing date of the last statement required to be filed and the date of leaving office.

Sec. 1-03.05. Conflict with other laws.

Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000, et. seq.) The provisions of this Code are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest, including, but not limited to, Government Code Section 1090, et. seq.

Sec. 1-03.06. Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

Sec. 1-03.07. Interim designation by city of agency manager; biannual review of code.

(a) The City Manager and executive officer of any local government agency with jurisdiction wholly within the city shall have the power to designate positions for disclosure required by this Chapter on an interim basis pending council review pursuant to subsection (b) herein. Such designations shall be made if the City Manager or executive officer determines that the position entails the making or participating in the making of decisions which may foreseeably have a material effect on financial interests

(b) Review of this chapter shall be made by the city council by October 1 of each even-numbered year in accordance with Government Code Section 87306.5, at which time interim designations may be incorporated herein.

Sec. 1-03.08. Application to board, committee, and commission members.

Each official who serves on any of the following boards, commissions, and committees shall comply with all of the provisions of this Chapter in the same manner as if a designated employee:

Airport commission;

Board of appeals;

Grievance board;

Historic resource board;

Independent citizens oversight committee (Measure V);

Independent citizens oversight board (Measure G)

Library and community services commission;

Oversight Board to the former Salinas Redevelopment Agency;

Police Community Advisory Committee;

Planning commission (only in the event disclosure is no longer required pursuant to Government Code Section 87200);

Successor agency to the former Salinas Redevelopment Agency;
Traffic and Transportation Commission.

Sec. 1-03.09. Self-disqualification by designated employees.

Designated employees must disqualify themselves from making, participating in making, or using their official positions to influence the making of any kind of financial decision when the employee has a financial interest as defined in Government Code Section 87103 and it is reasonably foreseeable that the financial interest may be affected materially by the decision as outlined in Title 2 of the California Code of Regulations, Division 6. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

Article 4. Claims for Refunds of Taxes and Assessments.

Sec. 1-04.01. Claims for Refunds of Taxes and Assessments.

(a) Scope. The provisions of this section are enacted pursuant to Government Code Section 935 and shall apply to all claims for recovery of taxes, fees, and assessments enacted by the city of Salinas which are not expressly governed by a claims procedure set forth in any other statute or ordinance. The term "tax" or "taxes" as used in this section shall include all taxes, fees, and assessments subject to this and the following sections unless the context specifically indicates otherwise.

(b) Claims for Recovery of Taxes Required. No suit for the recovery of any taxes subject to this section which have been paid by any person to the city of Salinas shall be filed unless a claim for recovery of such taxes has been filed and rejected in accordance with the provisions of this section.

(c) Claim Prerequisite to Suit. In accordance with California Government Code Sections 935(b) and 945.6, no action against the city may be maintained by a person who has not complied with applicable claims presentation requirements.

(d) Applicability of State Law. References in this section to specific sections of the California Government Code shall refer to those provisions as they now exist or shall hereafter be amended.

(e) Form of Claim. All tax refund claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. Any claim filed on behalf of more than one person shall be verified by each person on behalf of whom the claim is filed or by his or her guardian, conservator, executor or administrator.

(f) Basis for Tax Refund Claim to be Stated. A claim for the recovery of taxes subject to the provisions of this section may be filed by any taxpayer or the taxpayer's guardian, executor, conservator or administrator if the payment of such tax has been accompanied by a written statement, signed by the taxpayer or taxpayer's guardian, executor, conservator or administrator which states that the tax has been paid under protest, or other basis for the requested refund. These provisions shall not be construed as relieving any person of the obligation to make full payment of any taxes owed or assessed.

(g) Claims Procedures. A claim for the recovery of any taxes paid under protest shall be filed in writing by the taxpayer or by the taxpayer's guardian, executor, conservator or administrator with the city attorney no later than one year after the date of the payment under protest. The claim shall be deemed to be filed on the date of receipt by the city attorney. Any such claim shall indicate the following information:

- (1) The name and address of the taxpayer and, where applicable, the taxpayer's guardian, executor, conservator or administrator;
- (2) The amount of the tax paid and the amount assessed, the payment date and the nature of any taxes paid, including the address of any property to which the tax is applicable;
- (3) A description of the specific reasons for the request for refund, described with sufficient specificity to enable the city to understand and evaluate the claim;
- (4) Documentation supporting the amount of the refund sought;
- (5) The signature of the taxpayer or the taxpayer's guardian, executor, conservator, or administrator following and accompanied by a contemporaneous statement that the information on the claim has been provided under penalty of perjury.

No claim may be filed on behalf of a class of taxpayers or on behalf of any person other than the taxpayer filing the claim unless the membership of the class is identified with particularity; provided, however, that any claim filed on behalf of a class of taxpayers shall be further limited to persons who have paid their taxes under protest during the twelve months immediately preceding the filing of the class claim.

(h) Authorization of Refund. Taxes paid to the city may be refunded by the city's finance department in the manner herein provided in the following cases:

- (1) Mathematical, computational or other error on the part of the city;
- (2) Overpayment or duplicate payment;
- (3) Where the applicant for any business license or permit has not, at any time after the commencement of the period during which the requested business

license or permit would have been effective, commenced or engaged in the business or occupation or performed any act for which the business license or permit was required; provided, however, that no such refund shall be made if the city made an investigation, inspection, examination or done any similar work as the result of the filing of the application; or if the license or permit has expired prior to the date upon which the claim for refund is made;

(4) In order for any such refund to be granted, the person claiming such refund must surrender his receipt or other evidence of payment.

- i. Processing of Claims. The city council shall act on a claim within the time and in the manner provided in Government Code Sections 912.4 and 912.6 as those provisions now exist or shall hereafter be amended, within sixty days after the claim has been provided, and as further provided by this section.
- ii. Time-barred Claims. Nothing in this section revives or reinstates any cause of action that, on the effective date of the section, is barred by failure to comply with any previously applicable statute, ordinance or regulation requiring the presentation of a claim prior to a suit for recovery of taxes subject to this section, or by the failure to commence any action thereon within the period described by applicable statute of limitations.

(i) Effective Date of Section. The provisions of this section shall apply retroactively to any taxes paid prior to the effective date of this section; provided, however, that a taxpayer who has paid taxes more than eleven months before the effective date of this section shall file a claim within thirty days after the section's effective date in accordance with the provisions of subsection (d) of this section, or such claim shall be barred.

(j) Time of Commencement of Lawsuit. Any lawsuit for the recovery of any taxes shall be commenced within six months from and after the date on which the city council rejects a claim for refund. No recovery shall be allowed in any such action upon any ground not specified in the claim.

(k) Suit. Any action brought against the city upon any claim or demand shall conform to the requirements of Section 940 through and including Section 949 of the California Government Code. Any action brought against any employee of the city shall conform to the requirements of Section 950 through and including Section 951 of the California Government Code.

Article 5. Administrative Remedies.

Sec. 1-05.01. Purpose.

The purpose of this section is to provide alternative remedies to address acts or omissions set forth in this Chapter. Violations may be corrected, abated or addressed in a number of ways. It is the intent of this subsection to provide the city with additional remedies to correct violations and, where necessary, to penalize violators for failure to comply with city codes and ordinances. The city council hereby finds and determines that enforcement of this Code and other ordinances adopted by the city are matters of local concern and serve important public purposes. Consistent with its powers as a charter city, the city adopts this administrative remedies provision in order to achieve the following goals:

- (a) To protect the public health, safety and welfare of the city;
- (b) To provide for an administrative process that has objective criteria for the imposition of penalties and provides for a fair process to appeal the imposition of administrative penalties;
- (c) To provide a method to penalize responsible parties who fail or refuse to comply with provisions of this Code and other ordinances;
- (d) To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system.

The city council establishes an administrative remedies procedure. All final administrative orders made pursuant to the procedures set forth in this subsection shall be subject to review only as provided in California Code of Civil Procedure Section 1094.6. Should any court of competent jurisdiction determine that the city must provide an appeal of any final administrative order in a manner other than set forth in Section 1094.6, then it is the intent of the city council that the administrative remedies process remain as provided herein and to provide that any appeal which is timely requested follow the procedures set forth in Government Code Section 53069.4.

Sec. 1-05.02. Imposition of Administrative Remedies.

In addition to criminal sanctions and other remedies set forth in this Code, the city may impose administrative penalties for any of the acts or omissions as referenced in this Article and set forth in the schedule of penalties established by resolution of the city council. Administrative penalties shall be imposed, enforced collected and reviewed in compliance with the provisions of this Article.

Nothing in this subsection shall prevent the city from using one or more other remedies to address violations. When the violation upon which the administrative penalty is based pertains to building, plumbing, electrical, structural or zoning provisions, the responsible party shall be provided with a reasonable period of time to correct the violation prior to imposition of the administrative penalty, except in those cases in which there is an immediate danger to health or safety.

Division 1. - Administrative Citations.

Sec. 1-05.03. Applicability.

(a) Sections 1-12 through 1-26 herein provide for administrative citations which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this Code.

(b) These sections shall not supersede any other sections of this Code which address additional legal or administrative remedies available for city Code violations; use of the administrative citation process shall be at the sole discretion of the city.

Sec. 1-05.04. Definitions.

For purposes of Article II, consisting of Division 1 and 2, the following definitions shall apply:

(a) "Director" shall mean the city manager, or his designee.

(b) "Enforcement officer" shall mean any city employee or agent of the city with the authority to enforce any provision of this Code including, but not limited to, code enforcement officers, animal control officers and police officers.

Sec. 1-05.04. Administrative Citations.

(a) Whenever an enforcement officer charged with the enforcement of this Code determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation.

(b) Each administrative citation shall contain the following information:

(1) The date of the violation;

(2) The address or a definite description of the location where the violation occurred;

(3) The section of this code violated and a description of the violation;

(4) The amount of the penalty for the code violation;

(5) A description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid;

(6) An order prohibiting the continuation or repeated occurrence of the Code violation described in the administrative citation;

(7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

(8) The name and signature of the citing enforcement officer.

Sec. 1-05.05. Amount of Penalties.

(a) The amounts of the penalties for Code violations imposed pursuant to this Article shall be set forth in the schedule of penalties established by resolution of the city council.

(b) The schedule of penalties shall specify any increased penalties for repeat violations of the same code provision within thirty-six months from the date of an administrative citation.

(c) The schedule of penalties shall specify the amount of any late payment charges imposed for the payment of a penalty after its due date.

Sec. 1-05.06. Payment of the Penalty.

(a) The penalty shall be paid to the city within thirty days from the date of the administrative citation.

(b) Payment of a penalty shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

Sec. 1-05.07. Hearing Request.

(a) Any recipient of an administrative citation may contest that there was a violation of the code or that he or she is the responsible party by completing a request for hearing form and returning it to the city within thirty days from the date of the administrative citation, together with an advance deposit of the penalty or an Advance Deposit Hardship Waiver Application form as described in this Article.

(b) A request for hearing form may be obtained from the department specified on the administrative citation.

(c) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

(d) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

Sec. 1-05.08. Advance Deposit Hardship Waiver.

(a) Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the penalty as required in this Article may file a request for an Advance Deposit Hardship Waiver, which shall include the sworn affidavit as described in subsection (c) below.

(b) The request shall be filed, along with the request for hearing form, with the Development and Permit Services Center on an Advance Deposit Hardship Waiver Application form, available from the Center, within thirty (30) days of the date of the administrative citation.

(c) The city may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits to the city a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the city the person's actual financial inability to deposit with the city the full amount of the penalty in advance of the hearing.

(d) The requirement of depositing the full amount of the penalty as described in this Article shall be stayed unless or until the city makes a determination not to issue the advance deposit hardship waiver.

(e) If the city makes a determination to deny the advance deposit hardship waiver application, a written determination listing the reasons for said denial shall be issued. The written determination to deny the waiver shall be final.

(f) The written determination of the city's denial of the advance deposit hardship waiver shall be served by mail upon the person who applied for the waiver.

Sec. 1-05.09. Hearing Officer.

The city manager shall designate a hearing officer for the administrative citation hearings.

Sec. 1-05.10. Hearing Procedure.

(a) No hearing to contest an administrative citation before a hearing officer shall be held unless the penalty has been deposited in advance in accordance with this Article or an advance deposit hardship waiver has been filed and not denied by the city pursuant to this Article.

(b) A hearing before the hearing officer shall be set for a date that is not less than fifteen days and not more than sixty days from the date that the request for hearing is filed in accordance with the provisions of this Article.

(c) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(d) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the penalty and a failure to exhaust their administrative remedies.

(e) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

(f) The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the citation prior to issuing a written decision.

Sec. 1-05.11. Hearing Officer's Decision.

(a) The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the Salinas City Code or other applicable State Code on the date(s) specified in the administrative citation. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The decision of the hearing officer shall be final.

(b) If the hearing officer determines that the administrative citation should be upheld, then the city shall retain the penalty amount on deposit with the city. If the hearing officer determines that the administrative citation should be upheld and the penalty was not deposited pursuant to a waiver under Section 1-19 above, the hearing officer shall set forth in the decision an order for payment of the penalty and a payment schedule for the penalty.

(c) If the hearing officer determines that the administrative citation should be canceled, the city shall promptly refund the amount of the deposited penalty.

(d) The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

(e) The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation penalties upheld by the hearing officer.

Sec. 1-05.12. Late Payment Charges.

Any person who fails to pay to the city any penalty imposed pursuant to the provisions of this Article on or before the date that penalty is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of penalties.

Sec. 1-05.13. Recovery of Administrative Citation Penalties and Collection Costs.

The city may collect any past due administrative citation penalty, late payment charge and costs of collection by use of all available legal means.

Sec. 1-05.14. Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the superior court in Monterey County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

Sec. 1-05.15. Notices.

(a) The administrative citation and all notices required to be given by this Article shall be served on the responsible party in accordance with the provisions of this Article.

(b) Failure to receive any notice specified herein does not affect the validity of proceedings conducted hereunder.

Division 2. - Administrative Orders.

Sec. 1-05.16. Applicability.

(a) The sections of this Division herein provide for administrative remedies, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this Code.

(b) These sections shall not supersede any other sections of this Code which address other legal or administrative remedies for city Code violations; use of this Article shall be at the sole discretion of the city.

(c) The administrative order process set forth in this Article may be utilized to enforce continuing violations of this Code that pertain to building, plumbing, electrical, or other similar structural or zoning issues; provided, however, that the person responsible for said continuing violation shall be allowed a period of at least ten days to correct or otherwise remedy the violation prior to the city's issuance of an administrative order. This shall not, however, require the city to provide a correction period to persons responsible for violations pertaining to matters creating an immediate danger to health or safety, or to building, plumbing, electrical, or other similar structural or zoning violations.

Sec. 1-05.17 Compliance order.

(a) Whenever the Director or his/her designee determines that a violation of any provision of this Code is occurring or exists, a written Compliance Order may be issued to any person responsible for the violation and/or the property owner.

(b) A Compliance Order issued pursuant to this Article shall contain the following information:

(1) The date and location of the violation;

(2) The section of this Code violated and a description of the violation;

(3) The actions required to correct the violation;

(4) The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;

(5) Either a copy of Division 2 or this Article or an explanation of the consequences of noncompliance with this Article and a description of the hearing procedure and appeal process.

Sec. 1-05-18. Method of service.

(a) All notices required herein shall be served as provided in this Article unless otherwise specified.

(b) Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.

(c) Where personal service or service by mail upon the property owner cannot be made despite a diligent effort, a copy of the order shall be conspicuously posted at the property that is the subject of the order.

(d) The failure of any person to receive any notice required under this Article shall not affect the validity of any proceedings taken under this Article.

Sec. 1-05.19. Notice—Service procedure.

Whenever a notice is required to be given under this Article, unless different provisions are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by deposit in the United States Mail, in sealed envelope postage prepaid, addressed to such person to be notified at his last-known business or residence address as the same appears in the last equalized county assessment roll or to the records pertaining to the matter to which such notice is directed. Service by mail shall be deemed completed at the time of deposit in the United States Mail receptacle.

Sec. 1-05.20. Hearing.

(a) If the Director determines that all violations have been corrected within the time specified in the Compliance Order, no further action shall be taken.

(b) If full compliance is not achieved within the time specified in the Compliance Order, the Director or his or her designee shall set a hearing before the administrative hearing officer.

(c) The Director or his or her designee shall cause a written notice of hearing to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared.

(d) All hearings shall be open and public.

Sec. 1-05.21. Administrative hearing officer.

Unless otherwise specified in this Code or by other ordinance, the city manager shall designate an administrative hearing officer for administrative order hearings. The hearing officer will have the authority to set, notice and conduct public hearings required or allowed pursuant to this Article to contest fees, charges, costs, expenses, penalties or other sums of money owed to the city and to allow the imposition of a lien, special assessment, special collection or other collection process against a responsible party and any affected property, as appropriate. The officer shall have the following functions, powers, and duties:

(a) Hear all administrative hearings and appeals authorized by this Code or by ordinance;

- (b) Conduct all administrative abatement action hearings authorized by this Code or by ordinance;
- (c) Authorize the imposition of liens, assessments, special collection or other collection process against a responsible party any affected property, as appropriate;
- (d) Perform such other programs or functions related to administrative hearings and appeals that the city council or the city manager may, from time to time, authorize or request.

Sec. 1-05.21. Notice of hearing.

- (a) Every notice of hearing on a Compliance Order shall contain the date, time and place at which the hearing shall be conducted by the administrative hearing officer.
- (b) Each hearing shall be set for a date not less than fifteen days nor more than sixty days from the date of the notice of hearing unless the Director determines that the matter is urgent or that good cause exists for an extension of time.
- (c) The hearing serves to provide the full opportunity of a person subject to a Compliance Order to object to the determination that a violation has occurred and/or that the violation has continued to exist. The failure of any person subject to a Compliance Order, pursuant to this Article, to appear at the hearing shall constitute a failure to exhaust administrative remedies.

Sec. 1-05.22. Hearing—Findings and order.

- (a) At the place and time set forth in the notice of hearing, the administrative hearing officer shall conduct a hearing on the Compliance Order issued pursuant to this Article.
- (b) The administrative hearing officer shall consider any written or oral evidence consistent with its rules and procedures regarding the violation and compliance by the violator and/or by the real property owner, including but not limited to:
 - (1) The report of the Director or his or her designee;
 - (2) Objections or protests of property owners or other responsible or interested persons who may be held liable for the amounts owed or whose property may be assessed or lienied for the amounts owed;
 - (3) Evidence on whether the person before the officer is responsible for the amounts owed to the city;
 - (4) Whether the violator or owner has taken the required corrective action within the required time period; and
 - (5) Such other and further evidence as justice may require.
- (c) Within a reasonable time following the conclusion of the hearing, the administrative hearing officer shall make findings and issue its determination regarding:

- (1) The existence of the violation; and
- (2) The failure of the violator or owner to take required corrective action within the required time period.
- (d) The administrative hearing officer shall issue written findings on each violation. The findings shall be supported by evidence received at the hearing.
- (e) If the administrative hearing officer finds by a preponderance of the evidence that a violation has occurred and that the violation was not corrected within the time period specified in the Compliance Order, the officer shall issue an Administrative Order.
- (f) If the administrative hearing officer finds that no violation has occurred or that the violation was corrected within the time period specified in the Compliance Order, the officer shall issue a finding of those facts.

Sec. 1-05.23. Administrative order.

If the administrative hearing officer determines that a violation occurred which was not corrected within the time period specified in the Compliance Order, the officer shall issue an Administrative Order described in Section 1-34(e) that imposes any or all of the following:

- (a) An order to correct, including a schedule for correction where appropriate;
- (b) Administrative penalties as provided in this Article;
- (c) Administrative costs as provided in this Article; and
- (d) Interest as provided in this Article.

The Administrative Order shall state that failure to comply with its provisions may result in the city abating the nuisance and charging the cost of said abatement plus all administrative costs to the property owner, and may further result in the city collecting the monies due as a personal obligation of the responsible party or by recordation of a lien or filing of a special assessment against the subject real property.

Sec. 1-05.24. - Abatement by city.

(a) If correction of the violation has not occurred within the time period specified in the Administrative Order, the continuing violation shall be deemed a public nuisance and the city or a contracting agent hired by the city may enter upon the private property on which the violation exists for the purpose of abating the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or its contracting agents to enter upon the premises for the purpose of abating the violation

(b) The cost of any such abatement by city authorized herein shall be borne by the property owner, which cost shall include administrative costs well as the actual cost of abatement.

(c) The cost of abatement, including administrative costs, may be enforced as a personal obligation against the property owner and as a lien or special assessment against the property as provided herein.

Sec. 1-05.25. - Administrative penalties.

(a) The administrative hearing officer may impose administrative penalties for the violation of any provision of this code in an amount not to exceed two thousand five hundred dollars per day for each ongoing violation, except that the total administrative penalty shall not exceed one hundred thousand dollars exclusive of interest, administrative costs, and restitution for compliance re-inspections, for any related series of violation.

(b) In determining the amount of the administrative penalty, the administrative hearing officer may take 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 violator;
- (3) The seriousness of the violation;
- (4) The good faith efforts of the violator to come into compliance;
- (5) The economic impact of the penalty on the violator;
- (6) The impact of the violation on the community; and
- (7) Such other factors as justice may require.

(c) Administrative penalties imposed by the officer shall accrue from the date specified in the Compliance Order and shall cease to accrue on the date the violation is corrected as determined by the Director or the Officer. Administrative penalties may be suspended for any period of time during which the violator has filed for necessary permits and such permit applications are actively pending before the city, state or other appropriate agency.

(d) Administrative penalties assessed by the Officer shall be due by the date specified in the Administrative Order.

(e) If the violation is not corrected as specified in the officer's order to correct, administrative penalties shall continue to accrue on a daily basis until the violation is corrected, subject to the maximum amount set forth in subsection (a) above.

(f) If the violator gives written notice to the Director that the violation has been corrected and if the Director finds that compliance has been achieved, the Director shall deem the date the written notice was postmarked or personally delivered to the Director or the date of the final inspection, whichever first occurred, to be the date the violation was corrected. If no written notice is provided to the Director, the violation will be deemed corrected on the date of the final inspection.

Sec. 1-05.28. Administrative costs.

(a) The administrative hearing officer shall assess administrative costs against the violator when it finds that a violation has occurred and that compliance has not been achieved within the time specified in the Compliance Order.

(b) The administrative costs may include any and all costs incurred by the city in connection with the matter before the administrative hearing officer including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all re-inspections necessary to enforce the Compliance Order.

Sec. 1-05.29. - Interest.

The administrative hearing officer may also assess interest on the amount of administrative penalties, abatement costs and administrative costs imposed at the legal rate from the date of the Administrative Order.

Sec. 1-05.30. - Force and effect.

(a) The Administrative Order of the administrative hearing officer shall be the final decision of the city.

(b) The Administrative Order of the Board, once recorded, shall have the same force and effect and priority as a judgment lien governed by the provisions of Sections 697.340 of the California Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(c) The Administrative Order shall have the same force and effect as a resolution of the city council for the purpose of filing a lien, special assessment, or special collection with the County of Monterey or tax collectors office pursuant to this Code and for the purpose of pursuing any other collection or enforcement action to obtain payment of the amounts owed to the city.

Sec. 1-05.31. - Failure to comply with administrative order.

If unpaid as of the date specified in the Administrative Order, the administrative penalties, administrative costs and interest assessed by the officer shall be collected by the city by use of all available legal means, and may be enforced as:

(a) A personal obligation of the violator; and/or

(b) If the violation is in connection with real property, a lien or special assessment upon the real property. The lien or special assessment shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full.

Sec. 1-05.32. Right of judicial review.

The decision of the administrative hearing officer shall be final. Any person aggrieved by an Administrative Order of the administrative hearing officer may obtain review of the Administrative Order in the superior court by filing with the court a petition for writ of mandate pursuant to California Code of Civil Procedure section 1094.6.

Sec. 1-05.33. - Report of compliance after administrative order.

If the Director determines that compliance has been achieved after a Compliance Order has been sustained by the Administrative Hearing Officer, the Director shall prepare a report indicating that compliance has been achieved. A copy of the compliance report shall be served on the violator.

Sec. 1-05.34. - Compliance dispute.

(a) If the Director does not prepare and serve the compliance report specified above, a violator who believes that compliance has been achieved may request a compliance hearing before the Administrative Hearing Officer by filing a request for a hearing.

(b) The hearing shall be noticed and conducted in the same manner as a hearing on a Compliance Order provided herein.

(c) The Officer shall determine if compliance has been achieved and, if so, when it was achieved. The decision of the Officer shall be final.

Sec. 1-05.35. Lien/special assessment.

Whenever the amount of any administrative penalty and/or administrative cost imposed by the Administrative Hearing Officer pursuant to this Article in connection with real property has not been satisfied in full within ninety days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien or, in the alternative, a special assessment against the real property on which the violation occurred.

Sec. 1-05.36. Lien procedure.

Any lien recorded against real property under this article shall be imposed following the procedure set forth in Division 3 of this article.

Sec. 1-05.37. Special assessment procedure.

Any special assessment filed against real property under this article shall be imposed following the procedure set forth in Division 3 of this article.

Sec. 1-05.38. Satisfaction of lien/special assessment.

Once payment in full is received by the city for outstanding penalties and costs, the city shall follow the procedures set forth in Division 3 of this article regarding satisfaction of lien/special assessment.

Division 3. - Uniform Lien and Special Assessment Procedures.

Sec. 1-05.39. Authority to impose lien/special assessment.

Whenever the amount of any nuisance abatement charge, administrative penalty, administrative cost, or other debt imposed by the city in connection with real property has not been satisfied in

full within ninety days and/or has not been successfully challenged by a timely writ of mandate, this obligation may constitute a lien, or in the alternative, a special assessment against the real property on which the violation occurred.

Sec. 1-05.40. Lien procedure—Adoption of resolution.

(a) There is hereby established the following procedure for collection of any nuisance abatement charge, administrative penalty, administrative cost, or other debt imposed by the city in connection with real property, by recordation of a lien against the subject real property.

(b) Upon determination by the city manager or his designee that the nuisance abatement charge, administrative penalty, administrative cost, or other debt imposed by the city has not been satisfied in full within ninety days and/or not been successfully challenged by a timely writ of mandate, the city manager or his designee shall recommend that the city council adopt a resolution confirming imposition of the debt and approving the filing of a lien against the subject real property.

(c) The resolution shall state the amounts due and owing, the name of the agency imposing the lien (city of Salinas), the date of the order or other notice describing the property violation or nuisance in question, the street address, and assessor's parcel number of the subject property, and the name and address of the recorded owner of the property.

(d) A copy of the resolution shall be served on the property owner, along with notice to the property owner that a lien in the amounts stated in the resolution will be filed against the subject property in the Monterey County Recorder's Office.

(e) The notice set forth in subsection (d) above shall be served in the same manner as summons in a civil action in accordance with the Code of Civil Procedure Section 415.10 et seq. If the owner of record, after diligent search cannot be found, the notice shall be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Monterey County.

(f) Following proper notice to the owner of record as provided in subsection (e) above, the resolution and notice shall be recorded as a lien with the county recorder. Once recorded, the resolution and notice shall have the force and effect and priority of a judgment lien governed by the provisions of Section 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(g) Interest at the legal rate per year shall accrue on the principal amount of the lien until satisfied pursuant to law.

(h) A lien pursuant to this section may be foreclosed by an action brought by the city for a money judgment.

Sec. 1-05.41. Special assessment procedure—Adoption of resolution.

(a) As an alternative to the procedure above in this Division, there is hereby established a procedure for making any nuisance abatement charge, administrative penalty, administrative

cost or other debt imposed by the city in connection with real property, a special assessment against the subject real property.

(b) Upon determination by the city manager or his designee that the nuisance abatement charge, administrative penalty, administrative cost, or other debt imposed by the city have not been satisfied in full within ninety days and/or has not been successfully challenged by a timely writ of mandate, the city manager or his designee shall recommend that the city council adopt a resolution confirming imposition of the debt and approving the filing of a special assessment against the subject real property.

(c) The resolution shall state the amounts due and owing, the name of the agency imposing the special assessment (city of Salinas), the date of the order or other notice describing the property violation or nuisance in question, the street address, and assessor's parcel number of the subject property, and the name and address of the recorded owner of the property.

(d) A copy of the resolution shall be served on the property owner, along with notice that the property may be sold after three years by the tax collector for unpaid delinquent assessments. If the owner of record, after diligent search cannot be found, the notice shall be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in Monterey County. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

(e) The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the assessment shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(f) Interest shall accrue on the principal amount of the assessment until satisfied pursuant to law.

(g) The city may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of the assessment is delinquent.

(h) The resolution adopted by the city council under this section shall be entitled to recordation.

Sec. 1-05.42. Satisfaction of lien/special assessment.

Once payment in full is received by the city for the outstanding debt, the finance director or his designee shall:

(a) With respect to a lien, either record a notice of satisfaction or provide the property owner or financial institution with a notice of satisfaction so they may record this notice with the county recorder. Such notice of satisfaction shall cancel the city's lien; and

(b) With respect to a special assessment, provide written notice to the tax collector that the special assessment amount has been paid in full and should no longer be imposed against the subject property. Such written notice shall cancel the city's special assessment.

Article 6. Code Enforcement Officers.

Sec. 1-06.01. Authorization of Code Enforcement Officers and City Employees; Limitations.

(a) The following classifications of City employees shall have the authority under Penal Code Section 836.5 to issue citations for violations of the City Code as specified below:

Job Classification	Code Section
Code Enforcement Officer	All Provisions of the City Code
Planning Manager/Associate Planner/Senior Planner	Zoning Code
Building Official	Chapter 9; Chapter 21, Section 14; Chapter 30; Chapter 36A; Chapter 37
Senior Building Inspector	Chapter 9; Chapter 37
Housing Inspector	Chapter 9
Senior Accounting Clerk	Chapter 19
Revenue Officer	Chapter 19
Revenue Technician (weed abatement duties)	Chapter 19; Chapter 14, Article II
Senior Park Maintenance Worker	Chapter 28
Public Works Director	Chapter 14; Chapter 14A; Chapter 30; Chapter 36; Chapter 36A
Wastewater Manager	Chapter 36
Supervising Construction Inspector	Chapter 30; Chapter 36
Construction Inspector	Chapter 30; Chapter 36

(b) The following classifications of City employees shall have the authority under Penal Code Section 830.12 to issue citations for the violations specified below:

Job Classification	Code Section
Police Assistant and Senior Police Assistant	City Code Chapter 20, Article VI; City Code Section 20-100.1; California Vehicle Code violations relating to unattended vehicles per Vehicle Code Sections 41102 and 41103

(c) The authorization in subsections (a) and (b) herein does not include the use of any weapon or physical force or restraint in the issuance of a citation.

SECTION 2. Chapter 2A of the Salinas Municipal Code is hereby repealed in its entirety.

SECTION 3. CEQA CONSIDERATIONS. The adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3).]

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PASSED AND ADOPTED this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM;

Christopher A. Callihan, City Attorney