

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTED

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Section 1.01.010 Code adopted.

The Riverside Municipal Code, as compiled from the ordinances and prior code sections of the City, and edited and published by Book Publishing Company of Seattle, Washington, is adopted as the code of Riverside. (Ord. 3539 § 1, 1968)

Section 1.01.020 Title--Citation--Reference.

This code shall be known as the "Riverside Municipal Code" and it shall be sufficient to refer to this code as the "Riverside Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Riverside Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Riverside Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this code. (Ord. 3539 § 2, 1968)

Section 1.01.030 Reference applies to amendments.

Whenever a reference is made to this code as the "Riverside Municipal Code" or to any portion thereof, or to any ordinance of the City, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 3539 § 3, 1968)

Section 1.01.040 Codification authority.

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.10 of the Government Code of the State and Section 415 of the City Charter. (Ord. 3539 § 4, 1968)

Section 1.01.050 Definitions and Construction.

Unless the context otherwise requires, the following words and phrases where used in

this code shall have the meaning and construction given in this Section:

"Code" means the Riverside Municipal Code;

"City" means the City of Riverside;

"City Council" means the City Council of Riverside;

"City employee" shall mean a natural person who performs service to the City of Riverside in exchange for monetary compensation through the City payroll, whether full-time, part-time, seasonally, or pursuant to a contract (including persons made available to work through the services of a staffing, temporary, or employment agency) regardless of employment classification or benefits. This definition shall not include natural persons who are interns, independent contractors, or volunteers; except those volunteers enforcing handicapped parking regulations as authorized by the Vehicle Code. This definition shall apply only to this Code and solely for the purpose of designating those persons who shall have the authority to enforce its provisions. No enlargement, extension, abrogation, or restriction of rights conferred by any collective bargaining agreement or law governing labor and employment shall be construed from this definition.

"County" means the County of Riverside;

"Finance Director" means the Assistant City Manager/Chief Financial Officer or his/her designee.

"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer, or employee of any of them;

"State" means the State of California;

"Oath" includes affirmation;

Gender. The masculine gender includes the feminine and neuter;

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

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

Shall, May. "Shall" is mandatory, "may" is permissive;

Title of Office. The use of the title of any officers, employee, department, board or commission means that officer, employee, department, board or commission of the City. (Ord. 6872 § 2, 2006; Ord. 6806 § 1, 2005; Ord. 3539 § 5, 1968)

Section 1.01.060 Reference to specific ordinances.

The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 3539 § 6, 1968)

Section 1.01.070 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to August 9, 1968, nor be construed as a waiver of any license, fee, or penalty at August 9, 1968, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 3539 § 7, 1968)

Section 1.01.080 Effective date.

This code shall become effective on August 9, 1968. (Ord. 3539 § 8, 1968)

Section 1.01.110 Penalties for violations.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements or provisions of this Code heretofore or hereafter enacted or the provisions of any code adopted by reference by this Code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor, unless such violation or failure to comply is specifically declared to be an infraction by other provisions of this Code. Notwithstanding any other provisions of this Code, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Notwithstanding this Section and as an alternative to criminal prosecution, all violations of this Code are subject to the administrative code enforcement remedies set forth at Chapter 1.17 and any other administrative proceeding now or hereafter authorized under this Code.

B. Any person convicted of an infraction under the provisions of this Code, or any code adopted by reference by this Code, shall be punished by a fine not exceeding two hundred-fifty dollars.

C. Any person convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of or failure to comply with any provision of this Code, or the provisions of any code adopted by reference by this Code, is committed, continued or permitted by such person and shall be punishable accordingly.

E. In addition to the penalties provided by this Section or elsewhere in this Code, or in any code adopted by reference by this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code, or the provisions of any code adopted by reference by this Code, shall be deemed a public nuisance and may be abated by the City, and each day such condition continues shall be regarded as a new and separate offense.

F. In any civil action commenced by the City to abate a nuisance, to enjoin a violation of any provision of this Code or any provision of any code adopted by reference by this Code, to collect a civil penalty imposed either by this Code or by State or federal law, or to collect a civil debt owing to the City, the City shall, if it is the prevailing party, be entitled to recover from the defendant in any such action reasonable attorney's fees and costs of suit.

G. Any person who violates any provision or fails to comply with any requirement or provision of this Code heretofore or hereafter enacted or any provision of any code adopted by reference by this Code shall be liable for a civil penalty not to exceed one thousand dollars for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant. The civil penalty prescribed by this subsection shall be assessed and recovered and a civil action brought by the City Attorney in any court of competent jurisdiction. The civil penalty prescribed by this subsection may be sought in addition to injunctive relief, specific performance or any other remedy, provided, however, that a civil penalty shall not be sought for any violation for which a criminal prosecution has been commenced.

H. A violation of any section of this Code which is punishable as an infraction shall be charged and prosecuted as an infraction, provided that for the second or any additional violation of said section within a one year period, the City Attorney at his or her discretion may charge and prosecute the matter as a misdemeanor. (Ord. 6872 § 1, 2006; Ord. 6349 § 1, 2, 3, 1997; Ord. 6220 § 1, 1995; Ord. 5258 § 1, 1985; Prior code § 1.8)

Section 1.01.115 Enforcement authority; criminal citations; administrative enforcement.

A. Enforcement Authority.

City employees holding the positions hereinafter designated, and designated County of Riverside employees, shall have the authority to enforce the provisions of this Code, the provisions of any code adopted by reference by this Code, and the ordinances and regulations adopted by the City.

B. Designated City and/or County employees:

1. The department directors and employees charged with the enforcement of the City's zoning ordinances and regulations, the City's building and construction ordinances and regulations, the City's health and sanitation ordinances and regulations including conditions declared to be nuisances, the litter and littering ordinances and regulations, the pedestrian food vendors ordinances and regulations, the garage sales ordinances and regulations, the noise ordinance and regulations, the landscape maintenance ordinances and regulations, the bees and apiaries ordinance and regulations, and the airport and aircraft ordinance and regulations all as specified in Chapters 5.38, 5.49 and 8.20, and Titles 6, 7, 9, 12, 13, 16, and 19 of this Code.

2. Each County employee holding the position of Animal License Inspector and Animal Control Officer and charged with the enforcement of Chapter 8.12 of this Code.

3. Every City employee charged with the enforcement of the traffic and parking regulations of the City as set forth in this Code; and the enforcement of those sections of the Vehicle Code designated by the Chief of Police and which may be enforced by employees other than peace officers.

4. Every City employee holding the position of Park Ranger and charged with the enforcement of Title 7, Chapters 2.28, 8.12, 9.08, 9.12, 9.16, 9.18, 9.32, 9.52, 10.44, 10.45, 10.48, 10.52, 10.56, and 10.60, and Sections 9.04.080, 9.04.090, 9.04.100, 9.04.200, 9.05.030, 10.54.030, 10.64.230, 10.64.240, 10.64.250, 10.64.260, 10.64.290, 10.64.310, 10.64.320, 10.64.330, and 10.64.340 on City property.

5. Every City employee charged with the enforcement of the airport and aircraft regulations of the City as set forth in Title 12 of this Code.

6. The Director of the County of Riverside Department of Environmental Health Services and his or her duly authorized Environmental Health Specialists who are referred to herein as "Enforcement Officers" charged with the enforcement of the City's ordinances and regulations regarding Food Establishments, Food Facilities, Regulation of Food Handlers, and Regulation for the Safety, Operation and Structure of Public Swimming Pools and Spas with the City as set forth in Chapters 6.08, 6.09, 6.10 of this Code.

C. Criminal Citations.

1. Those City and County of Riverside employees designated above are authorized, pursuant to California Penal Code Sections 19.7 and 836.5, and by this section, to issue a criminal citation to a person, without warrant, whenever such employee has reasonable cause to believe that the person has committed a misdemeanor or an infraction, in such employee's presence, which is a violation of this Code or any code adopted by reference by this Code.

2. If a person is to be cited, the designated City or County employee shall issue a NOTICE TO APPEAR (the citation) to such person, pursuant to California Penal Code Sections

853.5 and 853.6, and request that the person sign the NOTICE TO APPEAR, which shall constitute the person's written promise to appear in court. After obtaining the written promise to appear, the employee must immediately release the person.

3. If the person cited refuses to sign the NOTICE TO APPEAR, the designated City or County employee must immediately release the person and refer the matter to the City Attorney's Office or other agency for appropriate action.

D. Administrative Enforcement.

Those City and County of Riverside employees designated above are deemed Enforcement Officers for purposes of issuing notices of violations, administrative citations, and administrative civil penalties notices, as set forth in Chapter 1.17 of this Code. (Ord. 6872 § 3, 2006; Ord. 6702 § 1, 2003; Ord 6653 § 3, 2003; Ord. 6554 § 4, 2000; Ord. 6526 § 1, 2000; Ord. 6429 § 1, 1998; Ord. 6392 § 1, 1997; Ord. 6273 § 2, 1996; Ord. 6170 § 1, 1994; Ord. 6022 § 3, 1992; Ord 5667 § 1, 1988; Ord. 5590 § 1, 1987; Ord. 5494 § 1, 1987; Ord. 5258 § 2, 1985)

Section 1.01.120 Official time defined.

Whenever certain hours are named herein, they mean Pacific Standard Time or Daylight Saving Time as may be in current use in the City. (Prior code § 1.6)

Section 1.01.130 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. (Prior code § 1.4)

Section 1.01.140 Severability of parts of code.

It is declared to be the intention of the City 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 a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1.5)

Chapter 1.04

OFFICIAL SEAL

Sections:

1.04.010 Permission required when used for other than official City business.

Section 1.04.010 Permission required when used for other than official City business.

It is unlawful for any person to use the official seal of the City as adopted by the Mayor and City Council on the fourteenth day of April, 1936, by Resolution No. 3003 (New Series) or its design or any design so closely resembling the same as to be apt to deceive, for any purpose other than for official City business, without having first obtained the permission of the Mayor and City Council therefor. (Prior code § 1.9)

Chapter 1.05

CLAIMS AGAINST THE CITY

Sections:

- 1.05.010 Authority.**
- 1.05.020 Claims Required.**
- 1.05.030 Form of Claim.**
- 1.05.040 Claim prerequisite to suit.**
- 1.05.050 Suit.**

Section 1.05.010 Authority.

This Chapter is enacted pursuant to Section 935 of the California Government Code. (Ord. 6698 Ord. § 1, 2003 (part); 6047 § 1, 1993)

Section 1.05.020 Claims Required.

All claims against the City for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et seq., or another state law, (hereinafter in this Chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Chapter. (Ord 6698 § 1, 2003 (part); Ord. 6047 § 1, 1993)

Section 1.05.030 Form of Claim.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910. (Ord. 6698 § 1, 2003 (part); Ord. 6047 § 1, 1993)

Section 1.05.040 Claim prerequisite to suit.

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this Chapter and acted upon in accordance with Chapter 1.06, and no action may be maintained by a person who has not complied with the requirements of this Chapter. (Ord. 6698 § 1, 2003 (part); Ord. 6047 § 1, 1993)

Section 1.05.050 Suit.

Any action brought against the City of Riverside upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee or former employee of the City of Riverside shall conform with the requirements of Sections 950-951 of the California Government Code. (Ord. 6698 § 1, 2003 (part); Ord. 6047 § 1, 1993)

Chapter 1.06

AUTHORITY REGARDING CLAIMS AGAINST THE CITY

Sections:

- 1.06.010** **Condition to filing action.**
- 1.06.020** **Authority to reject Chapter 1.06 claims.**
- 1.06.030** **Authority to allow, compromise or settle chapter 1.06 claims.**

Section 1.06.010 **Condition to filing action.**

Prior to the filing of any action on any claim as defined in Chapter 1.05 or any claim governed by the Tort Claims Act, California Government Code Sections 900 et seq. ("Tort Claims Act" or by another state law (cumulatively a "Chapter 1.06 Claim"), a Chapter 1.06 Claim shall be acted upon by the City in accordance with the provisions of the Tort Claims Act or such other applicable state law. (Ord. 6698 § 2, 2003 (part))

Section 1.06.020 **Authority to reject Chapter 1.06 claims.**

The City Attorney and/or Risk Manager by and through the City Clerk are authorized to reject any Chapter 1.06 Claims. (Ord. 6698 § 2, 2003 (part))

Section 1.06.030 **Authority to allow, compromise or settle chapter 1.06 claims.**

The City Council, or such City of Riverside employees authorized by and subject to the limits set forth in a resolution of the City Council, may allow, compromise or settle any Chapter 1.06 Claims. (Ord. 6698 §2, 2003 (part)).

Chapter 1.07

DESIGN-BUILD PROCUREMENT

Sections:

1.07.010	Purpose and Intent
1.07.020	Definitions
1.07.030	Request for Proposals
1.07.040	Performance Criteria
1.07.050	Advertisement
1.07.060	Prequalification
1.07.070	Prequalification Criteria
1.07.080	False Declaration Unlawful
1.07.090	Withdrawal of Proposals
1.07.100	Proposal Security
1.07.110	Review and Evaluation of Proposals
1.07.120	Selection Committee
1.07.130	Selection Method
1.07.140	Approval of Design-Build Contracts
1.07.150	Change Orders
1.07.160	Retention
1.07.170	Right to Reject Proposals
1.07.180	Subcontractor Listing
1.07.190	Indemnification
1.07.200	Purchasing Resolution
1.07.210	Severability and Effect

Section 1.07.010 Purpose and Intent

The purpose of this Chapter is to provide definitions and guidelines for the award, use and evaluation of Design-Build Contracts as required by Measure KK enacted by the voters on November 2, 2004 and codified in Section 1114 of the Riverside City Charter. (Ord. 6830 § 1, 2005)

Section 1.07.020 Definitions

"Awarding Entity" means the City Council when referencing procurement for the City or for any Using Agency of the City except for Riverside Board of Public Utilities and Riverside Department of Public Utilities; and means the Riverside Board of Public Utilities when referencing procurement for the Riverside Department of Public Utilities.

"Best Value" means a value determined by stated criteria that may include, but is not limited to, price, features, functions, life-cycle costs, experience and other criteria deemed appropriate by the Using Agency.

"Competitive Negotiation" means a competitive sealed Proposal procurement method which includes but is not limited to, all of the following requirements: (1) generally describes the services sought to be procured by the City, (2) sets forth minimum criteria for evaluating Proposals submitted in response to a Request for Proposals, (3) generally describes the format and content of Proposals to be submitted, (4) provides for negotiation of scope and price and (5) may place emphasis on described factors other than price to be used in evaluating proposals.

"Design-Build" means a process involving contracting with a single entity for both the design and construction of a Public Works Project pursuant to a competitive negotiation process. Design-Build also includes projects where in addition to design and construction, other services may be furnished by the Design-Build Entity including, but not limited to, soil/materials testing and soil remediation.

"Design-Build Contract" means a contract between the City and a Design-Build Entity to furnish the architecture, engineering, and related services as required for a given Public Works Project, and to furnish the labor, materials and other construction services for the same project. A Design-Build Contract may be awarded conditioned upon subsequent refinements in scope and price during the development of the design, and may permit the City to make changes in the scope of the Public Works Project without invalidating the Design-Build Contract.

"Design-Build Entity" means the entity (whether, natural person, partnership, joint venture, corporation, business association, or other legal entity) that proposes to enter into a contract with the City to design and construct any Public Works Project under the procedures of this Ordinance.

"Design-Build Entity Member" means any person who provides licensed contracting, architectural or engineering services.

"Performance Criteria" means the requirements for the Public Works Project, including as appropriate, capacity, durability, production standards, ingress and egress requirements, or other criteria for the intended use of the Public Works Project, expressed in conceptual documents, performance-oriented preliminary drawings, outline specifications and other documents provided to Design-Build Entity by the Using Agency establishing the project's basic elements and scale, and their relationship to the work site suitable to allow the Design-Build Entity to make a Proposal.

"Proposal" means an offer to enter into a Design-Build Contract, as further defined in this Ordinance.

"Request for Proposals" means the document or publication whereby a Using Agency solicits proposals for a Design-Build Contract.

"Public Works Project" shall have the same meaning as the term "Construction" as defined in the City's Purchasing Resolution, as amended from time to time.

"Using Agency" shall have the meaning defined in the City's Purchasing Resolution, as amended from time to time. (Ord. 6830 § 1, 2005)

Section 1.07.030 Request for Proposals

For purposes of this Chapter only, prior to procuring a Design-Build Contract, the Using Agency shall prepare a Request for Proposals containing, at minimum, the following elements:

(a) The procedures to be followed for submitting Proposals, the criteria for evaluation of the Proposals and their relative weight, the procedure for selection of a Design-Build Entity and the timing for making awards.

(b) The proposed terms and conditions for the Design-Build Contract.

(c) The Performance Criteria.

(d) A description of the project approach, work plan or other submittals to be submitted with the Proposal, with guidance as to the form and level of completeness required.

(e) A schedule for planned commencement and completion of the Design-Build Public Works Project.

(f) Any Disadvantaged Business Enterprise or HUD requirements.

(g) The minimum qualifications that the Design-Build Entity will be required to possess to be deemed responsive.

(h) Requirements for performance bonds, payment bonds and insurance (including professional liability insurance) as determined by the Risk Manager and City Attorney.

(i) The required bidding process for subcontractors not listed at the time of submission of the Proposal, in accordance with Section 1.07.180 (b) (2).

(j) Any other information that the Using Agency in its discretion chooses to supply, including without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs, or references to public records. (Ord. 6830 § 1, 2005)

Section 1.07.040 Performance Criteria

Performance criteria shall be prepared by the Using Agency or a design professional duly licensed by the State of California who shall be referred to as the "performance criteria developer". The performance criteria developer shall be disqualified from submitting a Proposal to enter into the Design-Build Contract as a Design-Build Entity or as a subcontractor or team member of a Design-Build Entity. The Design-Build Entity shall not be permitted to delegate services under the Design-Build Contract to the performance criteria developer.

The Using Agency, in consultation with the performance criteria developer, shall determine the scope and level of detail required for the Performance Criteria. The Performance Criteria shall be detailed enough to permit qualified Design-Build Entities to submit Proposals in accordance with the Request for Proposals, given the nature of the Design-Build Public Works Project and the level of design to be provided in the Proposal. (Ord. 6830 § 1, 2005)

Section 1.07.050 Advertisement

Notice of Request for Proposals shall be advertised in the same manner in which formal bids generally are solicited for Public Works Projects for the City. (Ord. 6830 § 1, 2005)

Section 1.07.060 Prequalification

The Using Agency may establish a prequalification process for Design-Build Entities on a project by project basis, that specifies the prequalification criteria, standardized questionnaire and the manner in which the Design-Build Entities will be selected. (Ord. 6830 § 1, 2005)

Section 1.07.070 Prequalification Criteria

Pre-qualification may be limited to consideration of all or any of the following criteria supplied by a Design-Build Entity:

(a) Submission of documentation establishing that Design-Build Entity entering into the Design-Build Contract is a licensed contractor (Class A, B , or C, as specified in the RFP) and holds an architect and engineering license or subcontracts that license.

(b) Submission of documentation establishing that the Design-Build Entity or its Members have completed projects of similar size, scope, structure or building type, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Design-Build Public Works Project.

(c) Submission of a proposed project management plan establishing that the Design-Build Entity has the experience, competence, and capacity needed to effectively complete the Design-Build Public Works Project on schedule.

(d) Submission of documentation establishing that the Design-Build Entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement assuring the City that the Design-Build Entity has the capacity to complete the Design-Build Public Works Project.

(e) Provision of a declaration that neither the Design-Build Entity, nor any Design-Build Entity Member, under its current or former name, has had a surety company complete any project within the past 5 years.

(f) Provision of a declaration providing detail for the past five years concerning all of the following:

(1) Civil or criminal violations of the Occupational Safety and Health Act against any Design-Build Entity Member.

(2) Civil or criminal violations of the Contractors' State License Law against any Design-Build Entity Member.

(3) Conviction of any Design-Build Entity Member for submitting a false or fraudulent claim to a public agency.

(4) Civil or criminal violations of federal or state law governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contribution Act (FICA) withholding requirements, state disability insurance withholding requirements, or unemployment insurance payment requirements against any Design-Build Entity Member. For purposes of this subsection, only violations by any Design-Build Entity Member, as an employer, shall be deemed applicable, unless it is shown that the Design-Build Entity Member in his or her capacity as an employer, had knowledge of a subcontractor's violation or failed to comply with the conditions set forth in Section 1775(b) of the State Labor Code.

(5) Civil or criminal violations of federal or state law against any Design-Build Entity Member governing equal opportunity employment, contracting or subcontracting.

(g) Provision of a declaration that the Design-Build Entity will comply with all other provisions of law applicable to the Design-Build Public Works Project. The declaration shall state that reasonable diligence has been used in its preparation and that it is true and complete to the best of the signer's knowledge. (Ord. 6830 § 1, 2005)

Section 1.07.080 False Declaration Unlawful

The information concerning the Design-Build Entity's qualifications and experience shall be verified under oath by the Design-Build Entity and its Members. It is unlawful to submit any declaration under this Chapter containing any material matter that is false. (Ord. 6830 § 1, 2005)

Section 1.07.090 Withdrawal of Proposals

Proposals may be withdrawn by written notice to the Using Agency for any reason at any time prior to the deadline set forth in the RFP and the proposal guarantee for the Proposal shall be returned. Timely withdrawal of a Proposal shall not prejudice the right of a Design-Build Entity to timely file a new Proposal. (Ord. 6830 § 1, 2005)

Section 1.07.100 Proposal Security

All Proposals shall be accompanied by a cashier's check or certified check made payable to the City of Riverside, or a bidder's bond executed by a surety admitted to engage in such business in the State of California, for an amount equal to 10% of the amount of the Proposal and no Proposal shall be considered unless such proposal guarantee is properly enclosed therewith. The proposal guarantee shall be forfeited if the Proposal is withdrawn beyond the deadline set forth in the RFP, or if the Proposal is accepted but the Design-Build Entity fails to execute the Design-Build Contract. (Ord. 6830 § 1, 2005)

Section 1.07.110 Review and Evaluation of Proposals

Once received, Proposals shall be submitted to the performance criteria developer prior to review by the selection committee, as defined below. Clarifications may be required to ensure Proposals are responsive to the RFP. Clarifications may require revised cost and/or technical proposals. No Proposal shall be considered if the performance criteria developer confirms that the Proposal is not consistent with the information required by the Request for Proposals. Proposals will be opened in confidence. Adequate precautions shall be taken to

treat each proposer fairly and to insure that information gleaned from competing proposals is not disclosed to other proposers. Prices and other information concerning the Proposals shall not be disclosed until a recommendation for award is made to the Awarding Authority. All Proposals received shall become a matter of public record and shall be regarded as public, with the exception of those elements of each Proposal which are identified by a proposer as business trade secrets and plainly marked "Trade Secret", "Confidential" or "Proprietary". If disclosure is required or permitted under the California Public Records Act or otherwise by law, the City shall in no way be liable or responsible for the disclosure of any such records or any part thereof. (Ord. 6830 § 1, 2005)

Section 1.07.120 Selection Committee

The Using Agency may appoint a selection committee to review and rank the Proposals of the Design-Build Entities. The selection committee shall use the evaluation criteria set forth in this Chapter and the applicable Request for Proposals in its review of the Proposals. The composition of the committee shall be within the discretion of the Using Agency and may include, but not be limited to: members of the City Council, members of department administration or staff, the performance criteria developer, any person having special expertise relevant to selection of a Design-Build Entity (design or construction experience) and residents of the community. (Ord. 6830 § 1, 2005)

Section 1.07.130 Selection Method

The following method shall be utilized in selecting a Design-Build Entity for award of a Design-Build Contract:

- (a) Criteria utilized may include, but not be limited to:
 - (1) An evaluation of overall quality, capability, resource availability and financial stability of the Design-Build Entity.
 - (2) An evaluation of references provided with respect to responsiveness, quality of work, timeliness and overall performance.
 - (3) An evaluation of the Design-Build Entity Members' experience, training and qualifications.
 - (4) Consideration of items such as proposed design approach, initial and/or life cycle costs, project features, quality, capacity, schedule, and operational and functional performance of the facility.
 - (5) The extent to which the Design-Build Entity's Proposal meets the Performance Criteria and other requirements set forth in the Request for Proposals.
 - (6) Analysis of the cost relative to the Design-Build Entity's ability to meet the Performance Criteria and other requirements set forth in the Request for Proposals.
 - (7) Whether the cost as provided in the Proposal is guaranteed firm, evidenced in writing and signed by an authorized representative of the Design-Build Entity.
- (b) Depending on the number of Proposals received, the Using Agency or the Selection Committee may develop a "short list" of top ranked Design-Build Entities.
- (c) The Using Agency or Selection Committee may require "short listed" Design-Build Entities to submit to an interview and/or make a presentation to establish a final ranking.
- (d) The Using Agency or Selection Committee will then begin negotiations with the top ranked Design-Build Entity. The negotiations may include but not be limited to project costs, scope, and schedule. If negotiations are unsuccessful, negotiations will cease with the top ranked Design-Build Entity and may begin with the next highest ranked Design-Build Entity.
- (e) Award shall be made by the Awarding Entity to the Design-Build Entity whose Proposal is judged as providing the Best Value to the City while meeting the objectives of the Design-Build Public Works Project. (Ord. 6830 § 1, 2005)

Section 1.07.140 Approval of Design-Build Contracts

All Design-Build Contracts shall be approved as to form by the City Attorney. (Ord. 6830 § 1, 2005)

Section 1.07.150 Change Orders

Change Orders to Design-Build Contracts shall be subject to the limits and requirements set forth in the City's Purchasing Resolution, as amended from time to time. (Ord. 6830 § 1, 2005)

Section 1.07.160 Retention

If the Awarding Entity awards a Design-Build Contract, retention of 10% shall be withheld from progress payments, subject to the City's right, in its sole discretion, to reduce retention to 5% and to permit progress payments for design services to be made without withholding retention. (Ord. 6830 § 1, 2005)

Section 1.07.170 Right to Reject Proposals

Nothing in this Chapter shall require the City to accept any Proposal and the City hereby reserves the right to reject any and all Proposals. City assumes no responsibility for the costs incurred by any Design-Build Entity in preparation of any Proposal. (Ord. 6830 § 1, 2005)

Section 1.07.180 Subcontractor Listing

The City recognizes that the Design-Build Entity is charged with performing both design and construction. Due to the fact that a Design-Build Contract may be awarded prior to completion of the design, it is often impractical for the Design-Build Entity to list all subcontractors at the time of award.

(a) It is the intent of the City to establish a clear process for the selection and award of subcontracts entered into pursuant to this Chapter in a manner that retains protection for subcontractors while enabling Design-Build Public Works Projects to be administered in an efficient manner.

(b) All of the following requirements shall apply to subcontractors, licensed by the State of California, that are employed on a Design-Build Public Works Project undertaken pursuant to this Chapter.

(1) The Using Agency in each Request for Proposals shall specify the essential design disciplines, construction trades or types of subcontractors that must be listed by the Design-Build Entity in the Proposal.

(2) Subcontractors not listed in the Proposal shall be awarded subcontracts by the Design-Build Entity in accordance with a bidding process set forth in the Request for Proposals. The Design-Build Entity shall furnish to City documentation verifying that all subcontractors not listed at the time of award were subsequently awarded subcontracts in accordance with the process set forth in the Request for Proposals. All subcontractors that are listed in the Proposal or subsequently awarded subcontracts shall be afforded the protection of all applicable laws. (Ord. 6830 § 1, 2005)

Section 1.07.190 Indemnification

The Design-Build Contract shall include a provision that requires the Design-Build Entity to defend, indemnify and hold harmless the City and its officers, employees and agents from liability arising from the acts of the Design-Build Entity Members in connection with the performance of the Design-Build Contract. (Ord. 6830 § 1, 2005)

Section 1.07.200 Purchasing Resolution

To the extent not inconsistent with this Chapter 1.07, the provisions of the City's Purchasing Resolution, as amended from time to time, shall apply to all Design-Build Public Works Projects. (Ord. 6830 § 1, 2005)

Section 1.07.210 Severability and Effect

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision. (Ord. 6830 § 1, 2005)

Chapter 1.08

NOTICE TO APPEAR

Sections:

- 1.08.010** **Contents of written notice.**
- 1.08.020** **Violation of promise to appear.**
- 1.08.030** **When warrant for arrest issued.**
- 1.08.040** **Forfeiture of bail.**
- 1.08.050** **Filing of complaint.**

Section 1.08.010 **Contents of written notice.**

If any person is arrested for a violation of any of the provisions of this code or other ordinance of the City and such person is not immediately taken before a magistrate as prescribed in the Penal Code of this 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. (Prior code § 1.10)

Section 1.08.020 **Violation of promise to appear.**

No person shall willfully violate his written promise to appear in court, regardless of the disposition of the charge upon which he was originally arrested. (Prior code § 1.11)

Section 1.08.030 **When warrant for arrest issued.**

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 Penal Code of this State, 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 promises 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. (Prior code § 1.12)

Section 1.08.040 **Forfeiture of bail.**

If, at the time when the case is called for arraignment before the magistrate, the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited and may in his discretion order that no further proceedings be had in the case.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the City or County Treasury, as the case may be. (Prior code § 1.13)

Section 1.08.050 **Filing of complaint.**

Whenever written notice to appear has been prepared, delivered and filed with the court, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty."

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail or pleads other than "guilty" of the offense charged, a complaint shall be filed which

shall conform to the provisions of Chapter 2 (commencing at Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear. (Prior code § 1.14)

Chapter 1.10

NOTICE OF PENDENCY

Sections:

- 1.10.010** **Applicability of chapter.**
- 1.10.020** **Filing notice of pendency.**
- 1.10.030** **Order of vacation.**
- 1.10.040** **Severability.**

Section 1.10.010 **Applicability of chapter.**

The procedures for filing a notice of pendency in the course of enforcement of the provisions of Titles 6, 16 and/or 19 of this Code shall be governed by the procedure prescribed in this Chapter. (Ord. 6417 § 1, 1997)

Section 1.10.020 **Filing notice of pendency.**

When any administrative proceeding is initiated to enforce the provisions of Titles 6, 16, 17, 19 and/or any other provisions of this Code relating to real property, the Community Development Director, Planning Director, Public Works Director, Building Official, Code Enforcement Manager, or their designated representatives may record a notice of pendency of administrative proceeding on the affected property in the Riverside County Recorder's Office. Such notice of pendency may be recorded, at the discretion of the City, at any time after the commencement of the administrative proceeding on any property on which violations of this Code occur. Upon recordation, such notice shall have the same effect as a notice recorded pursuant to Section 405.20, et seq. of the California Code of Civil Procedure. (Ord. 6844 § 1, 2006; Ord. 6417 § 1, 1997)

Section 1.10.030 **Order of vacation.**

Any notice of pendency of action or proceeding filed pursuant to this Chapter may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefor by an order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the Office of the Riverside County Recorder, where the notice of pendency of action is recorded. Upon the recordation of the order of vacation, the notice of pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. Such an order of vacation shall not be appealable, but the party aggrieved by such order may, within twenty days after service of written notice of the order, or within such additional time not exceeding twenty days as the court may, within the original twenty days, allow, but in no event later than sixty days after entry of the order, petition the property reviewing court to review such order by writ of mandate. No such order of vacation shall be effective, nor shall it be recorded in the Office of the Riverside County Recorder, until the time within which a petition for writ of mandate may be filed pursuant to this Section has expired. (Ord. 6417 § 1, 1997)

Section 1.10.040 **Severability.**

If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue

in full force and effect. To this end, the provisions of this chapter are severable. (Ord. 6417 § 1, 1997)

Chapter 1.12

WARDS

Sections:

1.12.010	ESTABLISHED - BOUNDARIES.
1.12.020	FIRST WARD.
1.12.030	SECOND WARD.
1.12.040	THIRD WARD.
1.12.050	FOURTH WARD.
1.12.060	FIFTH WARD.
1.12.070	SIXTH WARD.
1.12.080	SEVENTH WARD.

Section 1.12.010 ESTABLISHED - BOUNDARIES.

There are hereby established in the City seven wards for the election and qualification of members of the City Council which shall be known as the First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward and Seventh Ward. The boundaries of the respective wards shall be as follows in this Chapter. (Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5006 § 1 (part), 1982; Ord. 3926 § 1 (part), 1972; Ord. 3652 §§ 1, 2 (part), 1969; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.1)

Section 1.12.020 FIRST WARD.

The boundaries of the First Ward shall be as follows:

BEGINNING at an angle point in the boundary of the City of Riverside, as established by "Riverside Annexation No. 12 ½", filed with the Secretary of the State of California, October 14, 1960, said point being the most southerly corner of said Annexation and the most southerly corner of Lot "O" of said Rivera Tract;

THENCE northerly along the easterly lines of Lots "O" and "R" of said Rivera Tract, also being the present boundary of the City of Riverside as established by "Riverside Annexation No. 12 ½", the following seven courses:

North 29°03' East, 3.77 feet;
North 46°13' East, 364.50 feet;
North 38°06' East, 549.95 feet;
North 29°04' East, 448.62 feet;
North 21°18' East, 272.32 feet;
North 15°40' East, 474.28 feet;

North 26°00' East, 459.19 feet, to the most easterly corner of said Lot "O" and a point on the westerly line of Orange Street, said point being an angle point in the present Boundary of the City of Riverside as established by "Riverside Annexation No. 72" filed with the Secretary of the State of California, June 6, 1990;

THENCE South 81°19' East a distance of 26.00 feet more or less along the present City Boundary to the centerline of North Orange Street having a width of 50 feet;

THENCE northeasterly along the present City Boundary and the centerline of said street the following three courses;

THENCE North 26°19' East a distance of 83 feet more or less to a centerline angle point as shown on the Walnut Forest Tract recorded in Book 38 of Maps at Page 98 records of Riverside County, California;

THENCE North 16°02' East a distance of 2.15 feet;

THENCE North 16°02' East a distance of 265.77 feet to the westerly prolongation of the northerly line of Lot 10 of Addition to Bandini Donation as shown by map on file in Book 1 of Records of Survey, page 3 thereof, and also being the westerly prolongation of the northerly line of Lot 4 of said Walnut Forest Tract;

THENCE South 62°40' East a distance of 120.37 feet along the present City Boundary and said northerly line of Lot 10 to the northeasterly corner of said Lot 10;

THENCE South 34°43'10" West a distance of 16.23 feet along the present City Boundary to an angle point in the northerly line of Lot 4 of said Walnut Forest Tract;

THENCE South 52°56'10" East a distance of 42 feet more or less along the present City Boundary and along the northerly line of Lot 4 and Lot 5 of said Walnut Forest Tract to the southeasterly line of the abandoned Lower Canal of the Riverside Water Company;

THENCE North 36°10' East a distance of 101 feet more or less along the present City Boundary and along said southeasterly line of the abandoned Lower Canal to the most westerly corner of the Riverside Rivera Tract as recorded in Book 35 of Maps at Page 18 Records of Riverside County, California;

THENCE, southeasterly along the southwesterly line of said Riverside Rivera Tract and leaving said present boundary of the City of Riverside the following five courses:

South 53°50' East, 213.70 feet;

South 17°30' East, 437.60 feet;

South 23°02' East, 286.85 feet;

South 59°47' East, 171.10 feet;

North 84°47' East, 319.00 feet, to an angle point in the southeasterly boundary of said Riverside Rivera Tract and the northwesterly corner of Lot 120 of the Lands of the Southern California Colony Association as per map recorded in Book 7, Page 3 of Maps, in the Office of the County Recorder of San Bernardino County, California, said point being an angle point in present boundary of the City of Riverside as established by "Riverside Annexation No. 77" filed with the Secretary of the State of California, August 2, 1993;

THENCE South 29°44'39" West a distance of 464.22 feet along the present boundary of the City of Riverside and the northwesterly line of said Lot 120;

THENCE North 46°54'15" West a distance of 224.54 feet along the present boundary of the City of Riverside;

THENCE North 38°18'05" West a distance of 88.35 feet more or less along the present boundary of the City of Riverside to the most easterly corner of the Rose Tract, as shown by map recorded in Book 6, Page 6 of Maps, Records of Riverside County,

THENCE South 29°53'30" East a distance of 939.81 feet, along the southeasterly line of said Rose Tract and the southeasterly line of the Walnut Forest Tract No. 2, Unit No. 2, as shown by map recorded in Book 38, Page 79 of Maps, Records of Riverside County to a point at the intersection of the southwesterly prolongation of the southeasterly line of said Walnut Forest Tract No. 2, Unit 2 and the centerline of Chase Avenue, said point being an angle point in the present boundary of the City of Riverside as established by "Riverside Annexation No. 77";

THENCE South 60°15'30" East a distance of 856.51 feet more or less along the present City Of Riverside Boundary and the centerline of Chase Avenue to an angle point in said centerline of Chase Avenue, also being the southwesterly line of Lot 118 and 119 of said Southern California Colony Association;

THENCE South 07°07'30" East a distance of 150.39 feet more or less along said centerline of Chase Avenue to a point of intersection with said centerline and the northwesterly line of West La Cadena Drive;

THENCE southeasterly along the said northwesterly line of West La Cadena Drive and the present City Boundary through its various courses to an angle point in the said Boundary;

THENCE northwesterly along the present City Boundary to the POINT OF BEGINNING. (Ord. 7107 § 1, 2010; Ord. 6891 § 1, 2006; Ord. 6793 § 1, 2005; Ord. 6783 § 1, 2005; Ord. 6643 § 1, 2003; Ord. 6529 § 1, 2000; Ord. 6023 §§ 1, 2, 1992; Ord. 6020 §§ 1, 2, 1992; Ord. 6015 § 1, 1992; Ord. 5835 § 1, 1990; Ord. 5642 § 1, 1988; Ord. 5482 § 1, 1987; Ord. 5371 § 1, 1986; Ord. 5006 § 1 (part), 1982; Ord. 4983 § 1, 1982; Ord. 4764 § 1, 1980; Ord. 4747 § 1, 1979; Ord. 4644 § 1, 1979; Ord. 4483 § 1, 1977; Ord. 4392 § 1, 1977; Ord. 4219 § 1, 1975; Ord. 4104 § 1, 1974; Ord. 3926 § 1 (part), 1972; Ord. 3762 § 1, 1970; Ord. 3672 § 1, 1970; Ord. 3652 § 2 (part), 1969; Ord. 3636 § 1, 1969; Ord. 3571 § 1, 1968; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.030 SECOND WARD.

The boundaries of the Second Ward shall be as follows:

Beginning at the centerline intersection of Barton Street and Alessandro Boulevard;

Thence westerly along the centerline of Alessandro Boulevard to its intersection with the centerline of Mission Grove Parkway;

Thence northerly along the centerline of Mission Grove Parkway to southerly line of Tract 22480 as shown by map on file in Map Book 175, pages 56-59 thereof, records of Riverside County California;

Thence easterly along the southerly line of said Tract 22480 to the southeast corner thereof and the southwest corner of Tract 21631 as shown by map on file in Map Book 228 pages 49-57 thereof, records of said Riverside County;

Thence continuing easterly along the southerly line of said Tract 21631 to the southeasterly corner thereof;

Thence northerly along the easterly line of said Tract 21631 to the northeasterly corner thereof, said corner also being a point on the boundary of Parcel 3 of Parcel Map 22348 as shown by map on file in Parcel Map Book 152, pages 47-49 thereof, records of said Riverside County;

Thence continuing northerly along the boundary of said Parcel 3 to an angle point therein, said angle point being the center of the northeast one-quarter of Section 8, Township 3 South, Range 4 West, San Bernardino Meridian as shown on said Parcel Map;

Thence easterly along the southerly line of said Parcel 3 to the southeast corner of the west one-half of the northeast one-quarter, of the northeast one-quarter of said Section 8;

Thence northerly along said west one-half to the northeasterly corner thereof and a point in the northerly line of said Parcel 3;

Thence westerly along the northerly line of said Parcel 3 to its intersection with the northerly line of Lot 4 of said Tract 21631, said intersection also being an angle point in the northerly line of said Tract;

Thence westerly along the northerly line of said Tract 21631 to the northwesterly corner thereof, and the northeasterly corner of Tract 21767-3 as shown by map on file in Map Book 181, pages 59-63 thereof, records of said Riverside County;

Thence northwesterly and westerly along the northerly line of said Tract 21767-3 to the northwesterly corner of Lot 9 in said Tract 21767-3;

Thence southerly along the westerly line of said Tract 21767-3 to the northerly line of said Section 8 Township 3 South, Range 4 West, San Bernardino Meridian;

Thence westerly along said northerly line of said Section 8 to the northwesterly corner thereof said corner also being the northeasterly corner of Tract 21685-2 as shown by map on file in Map Book 176, pages 26-30 thereof;

Thence northerly along the easterly line of Section 6, Township 3 South, Range 4 West, San Bernardino Meridian to the northeast corner of the southeast one-quarter of the southeast one-quarter, of the southeast one-quarter of said Section 6;

Thence westerly along the northerly line of the said southeast one-quarter of the southeast one-quarter of the southeast one-quarter of Section 6 to the northwest corner thereof, said corner also being the northeast corner of Tract 20312 as shown by map on file in Map Book 168, pages 78-82 thereof, records of Riverside County, California;

Thence northerly along the easterly line of the northwest-one-quarter, of the southeast one-quarter, of the southeast one-quarter of said Section 6 to the northeast corner thereof;

Thence westerly along the northerly line of said northwest one-quarter, of the southeast one-quarter, of the southeast one-quarter of Section 6 and its westerly prolongation to the centerline Canyon Crest Drive;

Thence northerly along the centerline of Canyon Crest Drive to the centerline of Via Vista Drive;

Thence westerly along the centerline of Via Vista Drive to the centerline of Claridge Drive;

Thence northerly along the centerline of Claridge Drive to the northeast corner of Tract 5137 as shown by map on file in Map Book 78, pages 61-62 thereof records of said Riverside County;

Thence westerly along the north line of said Tract 5137 to the northwesterly corner of Lot 22 of said Tract 5137;

Thence southerly along the westerly line of said Lot 22 and its southerly prolongation to the centerline of Lynridge Court;

Thence westerly along the centerline of Lynridge Court to the centerline of Shaker Drive;

Thence northerly along the centerline of Shaker Drive to the centerline of Ransom Place;

Thence westerly along the centerline of Ransom Place to the centerline of Ransom Road;

Thence northwesterly along the centerline of Ransom Road to the centerline of Chicago Avenue;

Thence northerly along the centerline of Chicago Avenue to its intersection with the easterly prolongation of the southerly line of Section 25, Township 2 South, Range 5 West, San Bernardino Meridian;

Thence westerly along said easterly prolongation and said southerly line of Section 25 to the northeasterly corner of that certain parcel of land described in a Certificate of Compliance issued by the City of Riverside and recorded May 11, 1999 as Instrument Number 202631;

Thence continuing westerly along the northerly line of said parcel of land as described in said Certificate of Compliance to its re-intersection with said southerly line of said Section 25;

Thence continuing westerly along said southerly line of Section 25 to the southwestly corner thereof;

Thence continuing westerly along the southerly line of Section 26 of said Township 2 South, Range 5 West, San Bernardino Meridian to the centerline of Victoria Avenue;

Thence northerly along the centerline of Victoria Avenue to the easterly prolongation of the northerly line of Parcel 3 of a Certificate of Compliance issued by the City of Riverside and recorded March 7, 1985, as Instrument Number 47123, Official Records of said Riverside County, said Parcel being shown on a Record of Survey on file in Record of Survey Book 84, page 35 thereof, records of said Riverside County;

Thence westerly along said easterly prolongation to the westerly line of Victoria Avenue;

Thence westerly along said northerly line of Parcel 3 and along the northerly line of Parcels 2 and 1 all as shown on said Record of Survey, South 87°44'32" East, a distance of 534.14 feet to an angle point therein;

Thence northwesterly, continuing along said northerly line of Parcel 1, North 65° 47'05" West 205.11 feet to the northwesterly corner of said Parcel 1 as shown by said Record of Survey;

Thence southerly along the westerly line of said Parcel 1, South 6°18'34" West, a

distance of 114.22 feet to the southwesterly corner thereof and the northerly line of Rockledge Park as shown by map on file in Map Book 14, page 90 thereof, records of said Riverside County;

Thence northwesterly and westerly along said northerly line of said Rockledge Park to the northwesterly corner of Lot 1 of said Rockledge Park;

Thence southerly along the westerly line of said Lot 1 to the southwesterly corner thereof, and the northerly line of Rockledge Park Number 3 as shown by map on file in Map Book 21, page 1 thereof, records of said Riverside County;

Thence westerly along said northerly line of said Rockledge Park Number 3 and its westerly prolongation to the centerline of State Route 91;

Thence northerly along the centerline of State Route 91 to the centerline of Third Street;

Thence easterly along the centerline of Third Street to the centerline of Blaine Street;

Thence continuing easterly along the centerline of Blaine Street to its intersection with the City Limits of the City of Riverside;

Thence southerly, easterly, westerly, and northerly along the boundary of the City of Riverside in all its various courses, including those established by legal annexations to the centerline of Alessandro Boulevard;

Thence westerly along the centerline of Alessandro Boulevard to the centerline of Barton Street and the Point of Beginning. (Ord. 6980 § 1, 2008; Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5582 § 1, 1987; Ord. 5415 § 1, 1986; Ord. 5218 § 1, 1984; Ord. 5006 § 1 (part), 1982; Ord. 3973 § 1, 1972; Ord. 3926 § 1 (part), 1972; Ord. 3652 § 2 (part), 1969; Ord. 3460 § 1 (part), 1967; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.040 THIRD WARD.

The boundaries of the Third Ward shall be as follows:

Beginning at the intersection of Van Buren Boulevard and Arlington Avenue;

Thence easterly along the centerline of Arlington Avenue to the centerline of Adams Street;

Thence southeasterly along the centerline of Adams Street to the centerline of State Route 91;

Thence northeasterly along the centerline of State Route 91 to the southeasterly prolongation of the northeasterly line of Lot 13 in Block 4 of Orange Acres as shown by map on file in Map Book 13, page 7 thereof records of Riverside County, California;

Thence northwesterly along said southeasterly prolongation and northeasterly line of Lot 13 to the northeast corner of said Lot 13;

Thence continuing northwesterly along the northwesterly prolongation of said northeasterly line of Lot 13 to its intersection with the southerly prolongation of that certain parcel line having a bearing of South 0°44' East and a distance of 828.73 feet as shown by Record of Survey on file in Record of Survey Book 18, page 13 thereof, records of said Riverside County;

Thence North 0°44' West along said parcel line and its northerly prolongation to the centerline of Arlington Avenue;

Thence easterly along the centerline of Arlington Avenue to the centerline of Chicago Avenue;

Thence easterly and northerly along the centerline of Chicago Avenue to its intersection with the easterly prolongation of the southerly line of Section 25, Township 2 South, Range 5 West, San Bernardino Meridian;

Thence westerly along said easterly prolongation and said southerly line of Section 25 to the northeasterly corner of that certain parcel of land described in a Certificate of Compliance issued by the City of Riverside and recorded May 11, 1999 as Instrument Number 202631;

Thence continuing westerly along the northerly line of said parcel of land as described in said Certificate of Compliance to its re-intersection with said southerly line of said Section 25;

Thence continuing westerly along said southerly line of Section 25 to the southwesternly corner thereof;

Thence continuing westerly along the southerly line of Section 26 of said Township 2 South, Range 5 West, San Bernardino Meridian to the centerline of Victoria Avenue;

Thence northerly along the centerline of Victoria Avenue to the easterly prolongation of the northerly line of Parcel 3 of a Certificate of Compliance issued by the City of Riverside and recorded March 7, 1985, as Instrument Number 47123, Official Records of said Riverside County, said Parcel being shown on a Record of Survey on file in Record of Survey Book 84, page 35 thereof, records of said Riverside County;

Thence westerly along said easterly prolongation to the westerly line of Victoria Avenue;

Thence westerly along said northerly line of Parcel 3 and along the northerly line of Parcels 2 and 1 all as shown on said Record of Survey, South 87°44'32" East, a distance of 534.14 feet to an angle point therein;

Thence northwesterly, continuing along said northerly line of Parcel 1, North 65° 47'05" West 205.11 feet to the northwesterly corner of said Parcel 1 as shown by said Record of Survey;

Thence southerly along the westerly line of said Parcel 1, South 6°18'34" West, a distance of 114.22 feet to the southwesternly corner thereof and the northerly line of Rockledge Park as shown by map on file in Map Book 14, page 90 thereof, records of said Riverside County;

Thence northwesterly and westerly along said northerly line of said Rockledge Park to the northwesterly corner of Lot 1 of said Rockledge Park;

Thence southerly along the westerly line of said Lot 1 to the southwesternly corner thereof, and the northerly line of Rockledge Park Number 3 as shown by map on file in Map Book 21, page 1 thereof, records of said Riverside County;

Thence westerly along said northerly line of said Rockledge Park Number 3 and its westerly prolongation to the centerline of State Route 91;

Thence northerly along the centerline of State Route 91 to the centerline of the Union Pacific Railroad right of way;

Thence southwestly along the centerline of the Union Pacific Railroad right of way to its intersection with the easterly prolongation of the centerline of Jurupa Avenue;

Thence westerly along said easterly prolongation and centerline of Jurupa Avenue to the centerline of Streeter Avenue;

Thence southerly along the centerline of Streeter Avenue to the centerline of the Union Pacific Railroad right of way;

Thence westerly and northwesterly along the centerline of the Union Pacific Railroad right of way to its intersection with the City Limits of the City of Riverside;

Thence southerly, westerly, easterly, and northerly along the boundary of the City of Riverside in all its various courses, including those established by legal annexations to the centerline of Van Buren Boulevard;

Thence southeasterly and southerly along the centerline of Van Buren Boulevard to the centerline of Arlington Avenue and the Point of Beginning. (Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5006 § 1 (part), 1982; Ord. 3926 § 1 (part), 1972; Ord. 3652 § 2 (part), 1969; Ord. 3569 § 1, 1968; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.050 FOURTH WARD.

The boundaries of the Fourth Ward shall be as follows:

Beginning at the centerline intersection of Barton Street and Alessandro Boulevard;

Thence westerly along the centerline of Alessandro Boulevard to its intersection with the centerline of Mission Grove Parkway;

Thence northerly along the centerline of Mission Grove Parkway to southerly line of Tract 22480 as shown by map on file in Map Book 175, pages 56-59 thereof, records of Riverside County California;

Thence easterly along the southerly line of said Tract 22480 to the southeast corner thereof and the southwest corner of Tract 21631 as shown by map on file in Map Book 228 pages 49-57 thereof, records of said Riverside County;

Thence continuing easterly along the southerly line of said Tract 21631 to the southeasterly corner thereof;

Thence northerly along the easterly line of said Tract 21631 to the northeasterly corner thereof, said corner also being a point on the boundary of Parcel 3 of Parcel Map 22348 as shown by map on file in Parcel Map Book 152, pages 47-49 thereof, records of said Riverside County;

Thence continuing northerly along the boundary of said Parcel 3 to an angle point therein, said angle point being the center of the northeast one-quarter of Section 8, Township 3 South, Range 4 West, San Bernardino Meridian as shown on said Parcel Map;

Thence easterly along the southerly line of said Parcel 3 to the southeast corner of the west one-half of the northeast one-quarter, of the northeast one-quarter of said Section 8;

Thence northerly along said west one-half to the northeasterly corner thereof and a point in the northerly line of said Parcel 3;

Thence westerly along the northerly line of said Parcel 3 to its intersection with the northerly line of Lot 4 of said Tract 21631, said intersection also being an angle point in the northerly line of said Tract 21631;

Thence westerly along the northerly line of said Tract 21631 to the northwesterly corner thereof, and the northeasterly corner of Tract 21767-3 as shown by map on file in Map Book 181, pages 59-63 thereof, records of said Riverside County;

Thence northwesterly and westerly along the northerly line of said Tract 21767-3 to the northwesterly corner of Lot 9 in said Tract 21767-3;

Thence southerly along the westerly line of said Tract 21767-3 to the northerly line of said Section 8 Township 3 South, Range 4 West, San Bernardino Meridian;

Thence westerly along said northerly line of said Section 8 to the northwesterly corner thereof said corner also being the northeasterly corner of Tract 21685-2 as shown by map on file in Map Book 176, pages 26 - 30 thereof;

Thence northerly along the easterly line of Section 6, Township 3 South, Range 4 West, San Bernardino Meridian to the northeast corner of the southeast one-quarter of the southeast one-quarter, of the southeast one-quarter of said Section 6;

Thence westerly along the northerly line of the said southeast one-quarter of the southeast one-quarter of the southeast one-quarter of Section 6 to the northwest corner thereof, said corner also being the northeast corner of Tract 20312 as shown by map on file in Map Book 168, pages 78 - 82 thereof, records of Riverside County, California;

Thence northerly along the easterly line of the northwest-one-quarter, of the southeast one-quarter, of the southeast one-quarter of said Section 6 to the northeast corner thereof;

Thence westerly along the northerly line of said northwest one-quarter, of the southeast one-quarter, of the southeast one-quarter of said Section 6 and its westerly prolongation to the centerline Canyon Crest Drive;

Thence northerly along the centerline of Canyon Crest Drive to the centerline of Via Vista Drive;

Thence westerly along the centerline of Via Vista Drive to the centerline of Claridge Drive;

Thence northerly along the centerline of Claridge Drive to the northeast corner of Tract 5137 as shown by map on file in Map Book 78, pages 61-62 thereof records of said Riverside County;

Thence westerly along the north line of said Tract 5137 to the northwesterly corner of Lot 22 of said Tract 5137;

Thence southerly along the westerly line of said Lot 22 and its southerly prolongation to the centerline of Lynridge Court;

Thence westerly along the centerline of Lynridge Court to the centerline of Shaker Drive;

Thence northerly along the centerline of Shaker Drive to the centerline of Ransom Place;

Thence westerly along the centerline of Ransom Place to the centerline of Ransom Road;

Thence northwesterly along the centerline of Ransom Road to the centerline of Chicago Avenue;

Thence southwestery and westerly along the centerline of Chicago Avenue to the centerline of Arlington Avenue;

Thence westerly along the centerline of Arlington Avenue to the northerly prolongation of that certain parcel line having a bearing of South 0°44' East and a distance of 828.73 feet as shown by Record of Survey on file in Record of Survey Book 18, page 13 thereof, records of said Riverside County;

Thence South 0°44' East along said northerly prolongation and parcel line and continuing along its southerly prolongation to its intersection with the northeasterly line of Lot 13 in Block 4 of Orange Acres as shown by map on file in Map Book 13, page 7 thereof records of Riverside County, California;

Thence southeasterly along said northeasterly line of Lot 13 and its southeasterly prolongation to the centerline of State Route 91;

Thence southwestery along the centerline of State Route 91 to the centerline of Adams Street;

Thence southeasterly along the centerline of Adams Street to the southwestery prolongation of the northwesterly line of Parcel 1 of Parcel Map 28727 as shown by map on file in Parcel Map Book 198, pages 36-37 thereof, records of said Riverside County;

Thence northeasterly along said southwestery prolongation and the northwesterly line of said Parcel 1 to the northeasterly corner thereof;

Thence southeasterly along the northeasterly line of said Parcel 1 to the southeasterly corner thereof;

Thence southwestery along the southeasterly line of said Parcel 1 and its southwestery prolongation to the centerline of Adams Street;

Thence southeasterly along the centerline of Adams Street to the southerly right of way line of the Gage Canal;

Thence southwestery along the southerly right of way line of the Gage Canal to the centerline of Monroe Street;

Thence southeasterly, southerly and westerly along the centerline of Monroe Street to the centerline of Irving Street;

Thence northwesterly along the centerline of Irving Street to the centerline of Firethorn Avenue;

Thence southwestery, and southerly along the centerline of Firethorn Avenue to its intersection with the City Limits of the City of Riverside;

Thence easterly, northerly, westerly, and southerly along the boundary of the City of Riverside in all it's various courses, including those established by legal annexations to the centerline of Alessandro Boulevard;

Thence westerly along the centerline of Alessandro Boulevard to the centerline of Barton Street and the Point of Beginning. (Ord. 6983 § 1, 2008; Ord. 6981 § 1, 2008; Ord. 6943 § 1,

2007; Ord. 6899 § 1, 2006; Ord. 6837 § 1, 2005; Ord. 6821 § 1, 2005; Ord. 6793 §1, 2005; Ord. 6792 § 1, 2005; Ord. 6728 § 1, 2004; Ord. 6716 § 1, 2003; Ord. 6711 § 1, 2003; Ord. 6676 § 1, 2003; 6675 § 1, 2003; Ord. 6643 § 1, 2003; Ord. 6627 § 1, 2002; Ord. 6593 § 2, 2002; Ord. 6588 § 2, 2001; Ord. 6529 § 1, 2000; Ord. 6497 § 1, 1999; Ord. 6496 § 1, 1999; Ord. 6310 § 1, 1996; Ord. 6194 § 1, 1995; Ord. 6018 §§ 1, 2, 1992; Ord. 6015 § 1, 1992; Ord. 5581 § 1, 1987; Ord. 5361 § 1, 1985; Ord. 5309 § 1, 1985; Ord. 5006 § 1 (part), 1982; Ord. 3973 § 2, 1972; Ord. 3926 § 1 (part), 1972; Ord. 3652 § 2 (part), 1969; Ord. 3643 § 1, 1969; Ord. 3460 § 1 (part), 1967; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.060 FIFTH WARD.

The boundaries of the Fifth Ward shall be as follows:

Beginning at the centerline intersection of Arizona Avenue and La Sierra Avenue;

Thence northwesterly along the centerline of La Sierra Avenue to the centerline of State Route 91;

Thence northeasterly along the centerline of State Route 91 to its intersection with the southeasterly prolongation of the centerline of Hughes Alley;

Thence northwesterly along said southeasterly prolongation and the centerline of Hughes Alley to the centerline of Magnolia Avenue;

Thence northeasterly along the centerline of Magnolia Avenue to its intersection with the most easterly centerline of Harrison Street;

Thence northwesterly and northerly along the centerline of Harrison Street to the centerline of California Avenue;

Thence northeasterly along the centerline of California Avenue to the centerline of Van Buren Boulevard;

Thence northwesterly and northerly along the centerline of Van Buren Boulevard to the centerline of Arlington Avenue;

Thence easterly along the centerline of Arlington Avenue to the centerline of Adams Street;

Thence southeasterly along the centerline of Adams Street to the southwesterly prolongation of the northwesterly line of Parcel 1 of Parcel Map 28727 as shown by map on file in Parcel Map Book 194, pages 36-37 thereof, records of said Riverside County;

Thence northeasterly along said southwesterly prolongation and the northwesterly line of said Parcel 1 to the northeasterly corner thereof;

Thence southeasterly along the northeasterly line of said Parcel 1 to the southeasterly corner thereof;

Thence southwesterly along the southeasterly line of said Parcel 1 and its southwesterly prolongation to the centerline of Adams Street;

Thence southeasterly along the centerline of Adams Street to the southerly right of way line of the Gage Canal;

Thence southwesterly along the southerly right of way line of the Gage Canal to the centerline of Monroe Street;

Thence southeasterly, southerly and westerly along the centerline of Monroe Street to the centerline of Irving Street;

Thence northwesterly along the centerline of Irving Street to the centerline of Firethorn Avenue;

Thence southwesterly, and southerly along the centerline of Firethorn Avenue to its intersection with the City Limits of the City of Riverside;

Thence westerly, northerly, southerly, and easterly, along the boundary of the City of Riverside in all it's various courses, including those established by legal annexations to the centerline intersection of Cleveland Avenue and La Sierra Avenue;

Thence northwesterly along the centerline of La Sierra Avenue to the centerline of Arizona Avenue and the Point of Beginning. (Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5339 § 1, 1985; Ord. 5006 § 1 (part), 1982; Ord. 4376 § 1, 1977; Ord. 3926 § 1 (part), 1972; Ord. 3652 § 2 (part), 1969; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.070 SIXTH WARD.

The boundaries of the Sixth Ward shall be as follows:

Beginning at the centerline intersection of Arizona Avenue and La Sierra Avenue;

Thence northwesterly along the centerline of La Sierra Avenue to the centerline of State Route 91;

Thence northeasterly along the centerline of State Route 91 to its intersection with the southeasterly prolongation of the centerline of Hughes Alley;

Thence northwesterly along said southeasterly prolongation and the centerline of Hughes Alley to the centerline of Magnolia Avenue;

Thence northeasterly along the centerline of Magnolia Avenue to its intersection with the most easterly centerline of Harrison Street;

Thence northwesterly and northerly along the centerline of Harrison Street to the centerline of California Avenue;

Thence northeasterly along the centerline of California Avenue to the centerline of Van Buren Boulevard;

Thence northwesterly and northerly along the centerline of Van Buren Boulevard to the centerline of Arlington Avenue;

Thence westerly along the centerline of Arlington Avenue to the centerline of Rutland Avenue;

Thence southerly along the centerline of Rutland Avenue to the centerline of Philbin Avenue;

Thence westerly along the centerline of Philbin Avenue to the centerline of Babb Avenue;

Thence southerly along the centerline of Babb Avenue to the centerline of Campbell Avenue;

Thence westerly along the centerline of Campbell Avenue to the centerline of Coonen Drive;

Thence southeasterly and southerly along the centerline of Coonen Drive to the centerline of Wells Avenue;

Thence westerly and southwestery along the centerline of Wells Avenue to the centerline of Hole Avenue;

Thence northwesterly along the centerline of Hole Avenue to the centerline of La Sierra Avenue;

Thence southeasterly along the centerline of La Sierra Avenue to the centerline of Collett Avenue;

Thence southwestery along the centerline of Collett Avenue to the centerline of Golden Avenue;

Thence southeasterly along the centerline of Golden Avenue to the centerline of Magnolia Avenue;

Thence southwestery along the centerline of Magnolia Avenue to the centerline of State Route 91;

Thence westerly and southwestery along the centerline of State Route 91 to its intersection with the City Limits of the City of Riverside;

Thence southerly, westerly, easterly, and northerly, along the boundary of the City of

Riverside in all its various courses, including those established by legal annexations to its intersection with the centerline of La Sierra Avenue;

Thence northwesterly along the centerline of La Sierra Avenue to the centerline of Arizona Avenue and the Point of Beginning. (Ord. 7139 § 1, 2011; Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5568 § 1, 1987; Ord. 5567 § 1, 1987; Ord. 5006 § 1 (part), 1982; Ord. 4376 § 2, 1977; Ord. 4353 § 1, 1976; Ord. 4071 § 1, 1974; Ord. 3926 § 1 (part), 1972; Ord. 3831 § 1, 1971; Ord. 3757 § 1, 1970; Ord. 3652 §§ 1, 2 (part), 1969; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Section 1.12.080 SEVENTH WARD.

The boundaries of the Seventh Ward shall be as follows:

Beginning at the centerline intersection of Van Buren Boulevard and Arlington Avenue;

Thence westerly along the centerline of Arlington Avenue to the centerline of Rutland Avenue;

Thence southerly along the centerline of Rutland Avenue to the centerline of Philbin Avenue;

Thence westerly along the centerline of Philbin Avenue to the centerline of Babb Avenue;

Thence southerly along the centerline of Babb Avenue to the centerline of Campbell Avenue;

Thence westerly along the centerline of Campbell Avenue to the centerline of Coonen Drive;

Thence southeasterly and southerly along the centerline of Coonen Drive to the centerline of Wells Avenue;

Thence westerly and southwesterly along the centerline of Wells Avenue to the centerline of Hole Avenue;

Thence northwesterly along the centerline of Hole Avenue to the centerline of La Sierra Avenue;

Thence southeasterly along the centerline of La Sierra Avenue to the centerline of Collett Avenue;

Thence southwesterly along the centerline of Collett Avenue to the centerline of Golden Avenue;

Thence southeasterly along the centerline of Golden Avenue to the centerline of Magnolia Avenue;

Thence southwesterly along the centerline of Magnolia Avenue to the centerline of State Route 91;

Thence westerly and southwesterly along the centerline of State Route 91 to its intersection with the City Limits of the City of Riverside;

Thence northerly, westerly, easterly, and southerly, along the boundary of the City of Riverside in all its various courses, including those established by legal annexations to its intersection with the centerline of Van Buren Boulevard;

Thence southerly and southeasterly along the centerline of Van Buren Boulevard to the centerline of Arlington Avenue and the Point of Beginning. (Ord. 6643 § 1, 2003; Ord. 6015 § 1, 1992; Ord. 5006 § 1 (part), 1982; Ord. 3926 § 1 (part), 1972; Ord. 3652 § 2 (part), 1969; Ord. 3460 § 1 (part), 1967; Ord. 3176 § 3, 1964; Ord. 3046 § 2, 1962; Prior code § 33A.2 (part))

Chapter 1.15

ELECTIONS

Sections:

- 1.15.010** **Nomination period.**
- 1.15.020** **Mail-in ballot elections.**
- 1.15.030** **Preparation and form of candidate statement.**

Section 1.15.010 **Nomination period.**

The period for the filing of nomination documents for municipal elections shall be the same as the period for filing nomination documents by candidates in elections consolidated with the general election as set forth in California Elections Code §10407 as that section now exists or hereafter is amended. (Ord. 5257 § 1, 1985; Ord. 6341 § 1, 2, 1997)

Section 1.15.020 **Mail-in ballot elections.**

The Council may call general and/or special municipal elections to be conducted wholly by mail ballots. Such elections shall be conducted in accordance with the provisions of California Elections Code §4100 et seq. as those sections now exist or hereafter are amended. This section is enacted under authority granted by Section 502 of the Charter of the City of Riverside. (Ord. 7015 § 1, 2009; Ord. 6135 § 1, 1994; Ord. 6341 § 1, 2, 1997)

Section 1.15.030 **Preparation and form of candidate statement.**

A. Each candidate for the office of Mayor or City Council may prepare and submit to the elections official for printing and circulation a candidate's statement on an appropriate form provided by the elections official. The statement may include only the name, age, and occupation of the candidate and a brief description, in no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. Any candidate statement submitted pursuant to this section shall be limited to a recitation of the candidate's own personal background and qualifications, candidate's qualifications, character or activities. Nor shall the statement include the political party affiliation of the candidate nor membership or activity in any partisan political organization.

B. The elections official shall not cause to be printed or circulated any statement which the elections official determines is not so limited or which includes any materials prohibited by this section. The elections official, in his or her sole discretion, may strike any materials prohibited by the section from a candidate's statement and thereafter cause to be printed and circulated the candidate's statement as redacted.

C. Notwithstanding the 200-word length limitation set forth in paragraph (a), by resolution the City Council may authorize an increase in the limitation on words in this statement from 200 to 400 words. (Ord. 6341 § 1, 3, 1997)

Chapter 1.17

ADMINISTRATIVE CODE ENFORCEMENT REMEDIES

Sections:

- 1.17.005 Statement of purpose and intent.
- 1.17.010 General provisions.
- 1.17.020 Definitions.
- 1.17.030 General enforcement authority.
- 1.17.040 Service of notice.
- 1.17.050 Authority to inspect.
- 1.17.060 Notice of pending administrative enforcement action.
- 1.17.070 Administrative code enforcement remedies not exclusive.
- 1.17.080 Continuing violations.
- 1.17.090 Collection of unpaid fines, penalties and related costs.
- 1.17.100 Administrative enforcement and appeal hearings.
- 1.17.110 Procedures for notification of administrative enforcement hearing.
- 1.17.120 Procedure for requesting an administrative appeal hearing.
- 1.17.130 General procedures for all administrative hearings.
- 1.17.140 Failure to attend administrative hearing.
- 1.17.150 Administrative Hearing Order.
- 1.17.160 Administrative Hearing Officer.
- 1.17.170 Liability of Responsible Parties.
- 1.17.180 Reserved.
- 1.17.190 Reserved.
- 1.17.200 Administrative citations.
- 1.17.210 Administrative citation procedures.
- 1.17.220 Contents of citation.
- 1.17.230 Administrative citation fines; assessment and amounts.
- 1.17.240 Failure to pay administrative citation fines.
- 1.17.250 Appeal of administrative citation.
- 1.17.260 Administrative citation appeal hearing procedures.
- 1.17.270 Administrative citation appeal ruling.
- 1.17.280 Judicial review of administrative citation appeal ruling.
- 1.17.290 Reserved.
- 1.17.300 Administrative civil penalties; authority.
- 1.17.310 Administrative Civil Penalties Notice and Order; contents and procedures.
- 1.17.320 Determination of administrative civil penalties; accrual and amount.
- 1.17.330 Administrative costs.
- 1.17.340 Failure to comply with an Administrative Civil Penalties Notice and Order; administrative enforcement hearing.
- 1.17.350 Administrative Civil Penalties Enforcement Order.
- 1.17.360 Failure to comply with the Administrative Civil Penalties Enforcement Order.
- 1.17.370 Duty to verify correction and compliance.
- 1.17.380 Judicial review of an Administrative Civil Penalties Enforcement Order.
- 1.17.390 Failure to comply with an Administrative Civil Penalties Enforcement Order; alternative remedies.

Section 1.17.005 Statement of purpose and intent.

A. Administrative Code Enforcement Remedies.

The City Council has determined that the enforcement of the Riverside Municipal Code throughout the City is an important public service and is vital to the protection of the public's health, safety and quality of life. The City Council has determined a need for alternative methods of code enforcement and that a comprehensive code enforcement system uses a combination of judicial and administrative remedies to gain compliance with code regulations. The City Council finds a need to draft precise regulations that can be effectively applied in judicial and administrative proceedings and further finds that there is a need to establish uniform procedures for the proper application of administrative code enforcement remedies and administrative hearings to resolve administrative code enforcement cases and appeals.

B. Administrative Enforcement and Appeal Hearings

It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative enforcement action. Due process of law includes adequate notice of the violation and enforcement remedy chosen by the City, an adequate explanation of the reasons justifying the administrative enforcement action taken by the City, and an opportunity to participate in the appropriate administrative enforcement or appeal hearing. These procedures are also intended to establish a forum to efficiently, expeditiously and fairly resolve issues raised by any administrative enforcement action.

C. Policies and Procedures.

The City Manager, or the designated representative thereof, is authorized to develop and implement policies and procedures relating to the qualifications, appointment and compensation of administrative hearing officers; the powers of administrative hearing officers; and all other matters relating to conducting administrative hearings as provided in this code. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.010 General provisions.

Sections 1.17.010 through 1.17.190 shall be deemed the general provisions of this chapter. These sections shall apply to both the administrative citation and administrative civil penalties processes, each of which constitute separate remedies, as set forth in this chapter; and to other provisions of this code where incorporated therein by reference. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.020 Definitions.

The following definitions shall apply in interpretation and enforcement of this chapter.

A. "Administrative Costs" means all costs incurred by or on behalf of the City from the first discovery of the violation of the Riverside Municipal Code through the appeal process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, attorneys' fees, and fees paid to the Administrative Hearing Officer. "Administrative Costs" shall not mean the administrative citation fines and the administrative civil penalties assessed pursuant to this chapter. "Administrative Costs" shall not mean late payment charges that accrue, or collection costs incurred, as a result of unpaid administrative citation fines.

B. "Administrative Code Enforcement Remedies" means administrative abatement, summary abatement, administrative citations, and administrative civil penalties as provided in this code; and recordation of any notice, including notice of pendency of administrative proceeding, to the property owner and all other interested parties of violations of any provisions contained in the Riverside Municipal Code.

C. "Administrative Hearing Officer" shall mean any person appointed by the City Manager to preside at administrative hearings.

D. "City Manager" means the City Manager of the City of Riverside and his or her designee.

E. "Enforcement Officer" shall mean any City employee or agent of the City with the authority to enforce any provision of this code.

F. "Person" shall mean any individual or legal entity, including but not limited to, a corporation, partnership, or trust.

G. "Responsible Party" means each person committing the violation or causing a condition on a parcel of real property located within the City of Riverside to violate the Riverside Municipal Code; each person who has an ownership interest in that property; and each person who although not an owner, nevertheless has a legal right or a legal obligation to exercise possession and control over that property. In the event the person who commits the violation or causes the violating condition is a minor, then the minor's parents or legal guardian shall be deemed the responsible party. In the event the violation or violating condition is most reasonably attributable to a business and not to an employee, then that business, to the extent it is a legal entity such that it can sue and be sued in its own name, and each person who is an owner of that business shall each be deemed responsible parties.

H. "Riverside Municipal Code," and "this code" shall mean the Riverside Municipal Code, including all pertinent provisions of state codes as adopted therein, enacted by the City Council of the City of Riverside acting pursuant to authority granted under the City Charter or other applicable law. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.030 General enforcement authority.

Notwithstanding any other provision of the Riverside Municipal Code, an Enforcement Officer shall have the power to use the provisions of this chapter to enforce any and all provisions of this code and to use whatever judicial and administrative remedies are available under this code. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.040 Service of notice.

A. Notwithstanding any other provision of this code, any notice required to be given under the Riverside Municipal Code may be served by any of the following methods:

1. Personal service; or
2. Proof of mail, and first class mail to each Responsible Party at his or her last known address as it appears on the public records related to title or ownership of the property that is the subject of an administrative enforcement action; or
3. As to only those Responsible Parties who reside at or occupy the property that is the subject of an administrative enforcement action, as determined through diligent investigation; by posting the notice conspicuously on or in front of the subject property and mailing a copy of the notice to them by first class mail.

B. Service by Proof of Mail or first class mail in the manner described above shall be effective on the date of mailing.

C. The failure of any Responsible Party or other person with a legal or equitable interest in the property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.050 Authority to inspect.

Enforcement Officers are authorized to enter upon any property or premises within the City to ascertain whether the property or premises is in compliance with the Riverside Municipal Code, and to make any inspection as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent thereof refuses permission to enter and/or inspect, the Enforcement Officer

may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.060 Notice of pending administrative enforcement action.

For the purposes of this chapter:

A. The "Enforcement Officer" may record with the County Recorder's Office a notice against a property that is the subject of an administrative enforcement action pending with the City of Riverside.

B. A "Notice of Pendency" or other notice of pending administrative action shall use a form approved by the City Manager or his/her designee and shall describe the nature of the administrative action and refer to the applicable provisions of the Riverside Municipal Code governing the pending administrative action. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.070 Administrative code enforcement remedies not exclusive.

The procedures established in this chapter for the use of administrative citations and the administrative civil penalties process, and the procedures established in other chapters of this code for administrative abatement and summary abatement, as means for addressing violations of this code shall be in addition to criminal, civil or other legal or equitable remedies established by law that may be pursued to address violations of this code and the use of this chapter shall be at the sole discretion of the City. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.080 Continuing violations.

Each day a violation of this Code continues to exist shall constitute a new, separate, and distinct violation. (Ord. 6963 §2, 2007)

Section 1.17.090 Collection of unpaid fines, penalties and related costs.

A. Unpaid fines or penalties and their related costs, arising from administrative citations, administrative civil penalties actions or other administrative enforcement actions as provided by this code shall be a debt to the City and subject to all remedies for debt collection as allowed by law. The City shall be entitled to interest from the date the order becomes final or thirty (30) days after the first billing whichever date is later.

B. When a violation involves real property and the fines, penalties, and related costs are not paid within the prescribed time, the amount of those fines, penalties, and their related costs may be recorded as a lien upon and against the real property without further hearing, subject to notice of the lien as required by law.

C. The notice of lien shall be in this form:

NOTICE OF LIEN

Claim of the City of Riverside, California.

Pursuant to the authority vested by Section 1.17.090 of the Riverside Municipal Code, the amount of uncollected fines, penalties, and related costs may be recorded as a lien upon and against the real property where the violation of law occurred and which is the subject of the administrative enforcement action(s) resulting in the award, imposition, or assessment of a fine, penalty and all costs associated therewith.

On ____ (date) ____ an Administrative Hearing Officer conducted (as an evidentiary proceeding) an administrative hearing, pursuant to the applicable provisions of the Riverside Municipal Code. Following the presentation of evidence and the issuance of a ruling in the matter, the Administrative Hearing Officer upheld a fine or awarded, imposed, or assessed a monetary penalty in the amount of _____ and assessed administrative costs in the amount of _____ as set forth in the _____ (type of administrative hearing order) _____ issued on _____ (date) _____. Whereby the City of Riverside does hereby claim a lien for these sums as yet unpaid in the amount of _____ and this sum shall be a lien upon the parcel of real property identified herein until that principal sum, and the sum of any interest upon that principal as may be allowed by law and calculated at the then existing legal rate, has been paid in full and discharged of record.

The real property upon which this lien is claimed is that certain parcel of land, the structures thereon and any appurtenances connected thereto and located within the City of Riverside, County of Riverside, State of California, and particularly described as follows:

(Legal Description)
(Street address, if any)
(Assessor's Parcel Number)

Further, the City of Riverside gives NOTICE that this Notice of Lien shall not be deemed or construed to prohibit the City of Riverside from making additional claims and giving and recording one or more Notices of Lien thereon as may be required in those cases where the principal sum claimed, as a fine or penalty awarded, imposed, or assessed, is subject to a cumulative accrual at a fixed daily rate until the date the violations are corrected in full to the satisfaction of the City, or the legal maximum limit (cap) of that penalty has been reached, or the total amount of the lien has been paid in full.

DATED this _____ day of _____, _____ (year) _____.

City Clerk of the City of Riverside, California.

D. Alternatively, unpaid fines or penalties and their related costs, arising from administrative citations, administrative civil penalties actions or other administrative enforcement actions as provided by this code, involving real property may also constitute assessment liens and be collected as special assessments by the Riverside County Treasurer-Tax Collector as set forth in Chapter 6.15 of the Riverside Municipal Code. (Ord. 6963 §2, 2007)

Section 1.17.100 Administrative enforcement and appeal hearings.

A. There shall be two general types of administrative hearing: the enforcement hearing and the appeal hearing, in order to effect a proper enforcement of the Riverside Municipal Code and provide for the procedural and substantive due process rights of all persons subject to enforcement of this code through the application of its administrative code enforcement remedies.

B. Where this code requires the City to seek an administrative hearing as the means of enforcing this code through the imposition of an administrative penalty for a responsible party's failure or refusal to comply with the appropriate notice for his violation of the code, the hearing shall be an administrative enforcement hearing.

C. Where an aggrieved, responsible party seeks to appeal from an administrative decision, or an administrative enforcement action not requiring an administrative enforcement hearing, the hearing shall be an administrative appeal hearing. Both types of hearing shall provide for judicial review. The procedures set forth at Section 1.17.130 apply to both administrative enforcement and appeal hearings conducted pursuant to this code. (Ord. 6963 §2, 2007; Ord. 6724 §2, 2004; Ord. 6479 §1, 1999)

Section 1.17.110 Procedures for notification of administrative enforcement hearing.

A. Where the action or proceeding for an administrative code enforcement remedy authorized by this chapter, or elsewhere in this Code, provides for or requires an administrative enforcement hearing; the Code Enforcement Division shall schedule the date, time, and place for that hearing before an Administrative Hearing Officer when so required by the particular remedy involved.

B. A written notice of the administrative enforcement hearing setting forth the date, time, and place of that hearing shall be served on the Responsible Party at least ten calendar days prior to the date set for that hearing.

C. The Notice of Hearing shall be served by any of the methods of services listed in Section 1.17.040 of this chapter.

D. The Notice of Hearing shall include an itemized statement of administrative costs which the City seeks to be assessed in addition to the amount of administrative civil penalties the City seeks to be assessed by the Administrative Hearing Officer. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.120 Procedure for requesting an administrative appeal hearing.

A. Right of Appeal. Every administrative code enforcement action initiated pursuant to this code is subject to appeal according to the procedures governing the particular administrative code enforcement remedy used; as identified below.

B. Administrative Citation. The appeal process is set forth at Section 1.17.250 of this chapter.

C. Administrative Civil Penalties Enforcement Order. The "appeal" process is a petition for judicial review pursuant to Code of Civil Procedure Section 1094.6 as set forth at Section 1.17.350 of this chapter.

D. Disabled Access Determination. The appeal process for a disabled access determination initiated pursuant to Chapter 16.08 of this code is set forth at Section 2.40.030 of this code.

E. Notice to Abate. The appeal process for a notice to abate a public nuisance pursuant to Chapter 6.15 is set forth at Section 6.15.030.

F. Police Service Fee (Police response to loud or large parties). The appeal process for is set forth at Section 9.07.070.

G. Other Administrative Action. The appeal process for any other notice or notice and order issued pursuant to Chapter 16.08 of this code; for any notice or notice and order issued for a violation of Chapters 16.09 or 16.10 order; and for any notice or notice and order for an enforcement action not otherwise listed in this section or which is listed elsewhere in this code in the applicable section providing for the remedy sought, other than an administrative civil penalties notice and order issued to address any violation of this code, shall be the same as set forth at Section 16.04.590 of this code. (Ord. 6963 §2, 2007; Ord. 6724 §2, 2004; Ord. 6479 §1,

1999)

Section 1.17.130 General procedures for all administrative hearings.

A. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. Other than copies of citations, notices, notice and orders, and inspection reports served on the responsible parties as part of the enforcement action giving rise to the hearing, no pre-hearing discovery of the City's evidence shall be permitted.

B. The City bears the burden of proof at an administrative hearing to establish the existence of a violation of this Code.

C. A preponderance of the evidence shall be the standard of proof used by the Administrative Hearing Officer in deciding the issues at an administrative hearing.

D. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

E. The only evidence that shall be permitted at the hearing and considered by the Administrative Hearing Officer in reaching a decision is that evidence that is relevant to the proof or disproof of:

1. ownership of the subject property, when applicable;
2. whether a person noticed by the City as a Responsible Party is, in fact, a Responsible Party;
3. whether a violation of this code occurred and/or continues to occur on the date or dates specified in the citation, notice, or notice and order;
4. whether the Responsible Party has caused, maintained or permitted a violation of this code on the date or dates specified in the citation, notice, or notice and order; and in the event of an administrative enforcement hearing on an Administrative Civil Penalties Notice and Order, whether the amount of civil penalties proposed by the Enforcement Officer to be assessed pursuant to the procedures and criteria set forth in this chapter are reasonable. (Ord. 6963 §2, 2007; Ord. 6724 §§1, 2, 2004; Ord. 6479 §1, 1999)

Section 1.17.140 Failure to attend administrative hearing.

Any Responsible Party whose property or actions are the subject of an administrative hearing and who fails to appear at the hearing shall be deemed to have waived the right to a hearing; the adjudication of the issues related to the hearing, any and all rights afforded under this code; and shall be deemed to have failed to exhaust their administrative remedies, provided that proper notice of the hearing as required by this or other applicable chapter of this code has been served. (Ord. 6963 §2, 2007; Ord. 6724 §§1, 2, 2004; Ord. 6479 §1, 1999)

Section 1.17.150 Administrative Hearing Order.

The written decision of the Administrative Hearing Officer setting forth the findings and ruling in a particular case shall be entitled "Administrative Hearing Order," unless a different title is imposed by this or other applicable chapter of this code, and conform to the requirements set forth therein. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.160 Administrative Hearing Officer.

A. Qualifications. The City Manager or the designated representative thereof shall promulgate rules and procedures as are necessary to contract with qualified persons capable of acting as Administrative Hearing Officers.

B. Independent Authority. The employment, performance evaluation, compensation and benefits of the Administrative Hearing Officer shall not be directly or indirectly conditioned upon

the amount of the administrative fines or penalties upheld, awarded, imposed, or assessed by the Administrative Hearing Officer.

C. Disqualification. Any person designated to serve as an Administrative Hearing Officer is subject to disqualification for bias, prejudice, interest, or for other reason for which a judge may be disqualified in a court of law. Rules and procedures for the disqualification of an Administrative Hearing Officer based upon a showing of actual bias, prejudice, interest, or other reason shall be promulgated by the City Manager or the City Manager's designee.

D. Powers. The Administrative Hearing Officer shall have the power to:

1. conduct administrative enforcement hearings and administrative appeal hearings as provided under the authority of this code;

2. continue a hearing based on good cause shown by one of the parties to the hearing or upon his own independent determination that due process has not been adequately afforded to a Responsible Party;

3. exercise continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance, ensuring compliance with an Administrative Civil Penalties Enforcement Order, modifying an Administrative Civil Penalties Enforcement Order, or where extraordinary circumstances exist, granting a new administrative enforcement hearing;

4. require and direct a Responsible Party to post a Performance Bond to ensure compliance with an Administrative Civil Penalties Enforcement Order;

5. rule upon the merits of an administrative appeal hearing or an administrative enforcement hearing upon consideration of the evidence submitted and issue a written decision resolving the case;

6. uphold, award, impose, assess, or deny a fine or penalty authorized under this code;

7. assess administrative costs according to proof;

8. set, increase, or decrease, according to proof, the amount of fine or penalty or the daily rate of such fine or penalty sought by the City to be awarded, imposed, or assessed in those cases where the fine or penalty is not fixed but is subject to a range as otherwise established by this code;

9. in those cases where the fine or penalty is not fixed but is subject to a range as otherwise established by this code, determine the date certain upon which the assessment of civil penalties shall begin; and, where the corrections are subsequently completed to the City's satisfaction, the date certain upon which the assessment of civil penalties shall end. If the violations have not been so corrected, the daily accrual of the penalties assessed shall continue until the violations are corrected or the legal maximum limit is reached;

10. where appropriate in administrative enforcement actions arising from the issuance of an Administrative Civil Penalties Notice and Order and as a condition of compliance in correcting the violations at issue; impose upon each Responsible Party who has ownership, possession, or control of the parcel of real property that is the subject of the administrative enforcement action, the obligation to participate in and successfully complete the City's Crime Free Multi-Housing Program (or its successor program). Further, each such Responsible Party shall have the obligation to maintain the currency of any certification issued as part of that program for the period of ownership, possession, or control of the subject property; and

11. where appropriate in administrative enforcement actions arising from the issuance of an Administrative Civil Penalties Notice and Order and as a condition of compliance in correcting the violations at issue; require each Responsible Party to cease violating this code and to make all necessary corrections as specified by the City. (Ord. 6963 §2, 2007; Ord. 6724 § 2, 2004; Ord. 6479 §1, 1999)

Section 1.17.170 Liability of Responsible Parties.

For the purposes of this chapter, each Responsible Party shall be jointly and severally liable for any and all administrative fines, administrative civil penalties, and related administrative costs awarded, upheld, assessed, or imposed under this chapter. (Ord. 6963 §2, 2007)

Section 1.17.180 Reserved.

Section 1.17.190 Reserved.

Section 1.17.200 Administrative citations.

For the purposes of this chapter:

A. Any person violating any provision of this Code may be issued an administrative citation by an Enforcement Officer as provided for in this chapter.

B. A citation fine shall be assessed by means of an administrative citation issued by the Enforcement Officer and shall be payable directly to the City of Riverside.

C. Fines assessed by means of an administrative citation shall be collected in accordance with the procedures specified in this chapter. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.210 Administrative citation procedures.

A. Upon discovering a violation of this code, an Enforcement Officer may issue an administrative citation to a Responsible Party in the manner prescribed in this Chapter. The administrative citation shall be issued on a form approved by the City Manager.

B. If the Responsible Party is a business, the Enforcement Officer shall attempt to locate the owner and issue the owner an administrative citation. If the Enforcement Officer can only locate the manager or on-site supervisor or employee, the administrative citation may be issued in the name of the business and given to the manager or on-site supervisor or employee. A copy of the administrative citation shall also be mailed to the owner in the manner prescribed in Section 1.17.040 of this Chapter.

C. Once the Responsible Party is located, the Enforcement Officer shall attempt to obtain the signature of that person on the administrative citation. If the Responsible Party refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

D. If the Enforcement Officer is unable to locate the Responsible Party for the violation at the property where the violation exists, then the administrative citation shall be mailed to the Responsible Party in the manner prescribed in Section 1.17.040 of this Chapter, and posted in a conspicuous place on or near the property.

E. The administrative citation shall also contain the printed name, identification number and phone extension of the Enforcement Officer.

F. The failure of any person with an ownership interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.220 Contents of citation.

A. The administrative citation shall refer to the date and location of the violations and the approximate time, if applicable, that the violations were observed.

B. The administrative citation shall identify each violation by the applicable section number of this code and by either the section's title or a brief descriptive caption.

C. The administrative citation may describe the action required to correct the violations.

D. The administrative citation shall require the Responsible Party to correct the violations within the time stated in the citation and shall explain the consequences of failure to correct the violations.

E. The administrative citation shall state the amount of the fine imposed for the violations.

F. The administrative citation shall explain how the fine shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the fine.

G. The administrative citation shall identify all appeal rights.

H. The administrative citation shall contain the printed name, identification number, and phone extension of the Enforcement Officer and the signature of the Responsible Party, if he/she can be located, as outlined in Section 1.17.110. If the Responsible Party refuses to sign the administrative citation, then the Enforcement Officer shall write "refused" on the signature line for the Responsible Party. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.230 Administrative citation fines; assessment and amounts.

A. Unless otherwise provided in this code, the amount of fine to be imposed for a violation of this code and assessed by means of an administrative citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation, two hundred dollars (\$200.00) for the second occurrence of the same type of violation, and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same type of violation. Notwithstanding this section, the amount of fine to be assessed by means of an administrative citation may be established by resolution of the City Council.

B. All fines assessed shall be payable to the City within thirty (30) calendar days from the date of the administrative citation.

C. Any person who fails to pay to the City any fine imposed pursuant to the provisions of this Chapter on or before the date that the fine is due shall also be liable for the payment of any applicable late payment charges set forth in the schedules of fines.

D. The City may collect any past due administrative citation fine or late payment charge by use of any available legal means. The City may also recover its collection costs.

E. Any administrative citation fine paid pursuant to Subsection A shall be refunded in accordance with Section 1.17.150 if it is determined, after a hearing, that the person charged in the Administrative Citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

F. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

G. If the Responsible Party fails to correct the violation, subsequent administrative citations may be issued for the same violations. The amount of the fine shall increase at a rate specified by resolution of the City Council. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.240 Failure to pay administrative citation fines.

The failure of any person to pay the fines assessed by an administrative citation within the time specified on the citation may result in the City filing a claim with the Superior Court of California, County of Riverside, Small Claims Division or other appropriate Division. Alternatively, the City may pursue any other legal remedy to collect the citation fines. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.250 Appeal of administrative citation.

A. Any recipient of an administrative citation may contest the citation by completing a request for hearing form and returning it to the City within thirty (30) calendar days from the date

of the administrative citation, together with an advance deposit of the fine or notice that a request for advance deposit hardship waiver has been filed pursuant to subsection (E) of this Section.

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. Advance Deposit Hardship Waiver

1. 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 fine as required may file a request for an advance deposit hardship waiver.

2. The request shall be filed with the department specified on the administrative citation on an advance deposit hardship waiver application form available from the department specified on the administrative citation, within ten days of the date of the administrative citation.

3. The requirement of depositing the full amount of the fine as required shall be stayed unless or until the designee of the department specified on the administrative citation makes a determination not to issue the advance deposit hardship waiver.

4. The designee of the department specified on the administrative citation may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits to the department specified on the administrative citation a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the designee of the department specified on the administrative citation the person's actual financial inability to deposit with the City the full amount of the fine in advance of the hearing.

5. If the designee of the department specified on the administrative citation determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the City within ten days of the date of that decision or thirty days from the date of the administrative citation, whichever is later.

6. The designee of the department specified in the administrative citation shall issue a written determination listing the reasons for the determination to issue or not issue the advance deposit hardship waiver. The written determination of the designee of the department specified in the administrative citation shall be final.

7. The written determination of the designee of the department specified on the administrative citation shall be served upon the person who applied for the advance deposit hardship waiver. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.260 Administrative citation appeal hearing procedures.

A. No hearing to contest an administrative citation before an Administrative Hearing Officer shall be held unless the fine has been deposited in advance or an advance deposit hardship waiver has been issued.

B. Subject to the limitation imposed by Paragraph A above, a hearing before the Administrative 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.

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 Responsible Party who is subject to an Administrative Citation to appear at the appeal hearing shall constitute a forfeiture of the citation fine and a failure to exhaust his 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 Administrative Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.270 Administrative citation appeal ruling.

A. After considering all of the testimony and evidence submitted at the hearing, the Administrative Hearing Officer shall issue a written decision (“Administrative Citation Appeal Ruling”) to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision.

B. If the Administrative Hearing Officer determines that the administrative citation should be upheld, then the amount of the fine set forth in the citation shall not be reduced or waived for any reason.

C. If the Administrative Hearing Officer determines that the administrative citation should be upheld, then the fine amount on deposit with the City shall be retained by the City.

D. If the Administrative Hearing Officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Administrative Hearing Officer shall set forth in the decision a payment schedule for the fine.

E. If the Administrative Hearing Officer determines that the administrative citation should be canceled and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine, together with interest at the average rate earned on the City's portfolio for the period of time that the fine amount was held by the City.

F. The recipient of the administrative citation shall be served with a copy of the Administrative Hearing Officer's written decision.

G. The Administrative Hearing Officer's written decision shall become final on the date of mailing of the notice of decision.

H. The Administrative Civil Penalties Enforcement Order shall be served on all parties by any one of the methods listed in Section 1.17.060 of this Chapter. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.280 Judicial review of administrative citation appeal ruling.

Once the Administrative Hearing Officer's written decision becomes final as provided in this chapter, the time in which judicial review of the order must be sought shall be governed by California Government Code Section 53069.4, as that section may be amended from time to time, or the successor provision thereto. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.290 Reserved.

Section 1.17.300 Administrative civil penalties; authority.

A. The process for the assessment of administrative civil penalties established in this chapter is in addition to any other administrative or judicial remedy established by law that may be pursued to address violations of the Riverside Municipal Code.

B. Any person violating any provision of this code may be subject to the assessment of administrative civil penalties and related administrative costs pursuant to the procedures set forth in this chapter.

C. Administrative civil penalties, if awarded, assessed, or imposed; shall be assessed at a daily rate, the amount of which shall be determined by the Administrative Hearing Officer and set forth in an Administrative Civil Penalties Enforcement Order following the presentation of evidence at an administrative enforcement hearing according to the procedures established in this chapter.

D. The maximum legal rate for administrative civil penalties shall be one thousand dollars (\$1,000.00) per day, per violation. The maximum legal amount of administrative civil penalties shall be one hundred thousand dollars (\$100,000.00), plus interest on unpaid penalties as provided in Section 1.17.090, per parcel of real property, including any structures located thereon, for all violations of this code, including continuing violations, existing at the time the Administrative Civil Penalties Notice and Order is issued by the Code Enforcement Division or other authorized City department. Violations first occurring after the issuance of an Administrative Civil Penalties Notice and Order shall be subject to enforcement through the issuance of a separate Administrative Civil Penalties Notice and Order. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.310 Administrative Civil Penalties Notice and Order; contents and procedures.

A. Whenever an Enforcement Officer determines that a violation of one or more provisions of the Riverside Municipal Code has occurred or continues to exist, a written Administrative Civil Penalties Notice and Order may be issued to each Responsible Party.

B. The Administrative Civil Penalties Notice and Order shall specify all of the following, required information:

1. Date of mailing by certified and First Class Mail.
2. Identification by name and last known mailing address of each Responsible Party.
3. Identification of the parcel or parcels of real property subject to the Administrative Civil Penalties Notice and Order by street address and assessor parcel number (i.e., "APN") for improved parcels and by APN for unimproved parcels not assigned a street address.

4. Notice, in boldface type, that this chapter authorizes the imposition or assessment of administrative civil penalties up to \$1,000.00 dollars per day, per violation of any section of the Riverside Municipal Code.

5. Notice that the subject property is in violation of one or more sections of the Riverside Municipal Code as described in the inspection report(s) attached to the Administrative Civil Penalties Notice and Order. The inspection report shall identify each violation by the applicable section number and by either the section's title or a brief descriptive caption; specifically indicate where on the subject property or structure the violation occurred; the date(s) of occurrence; a brief description of how each section was violated; a brief description of the remedial or corrective action required to permanently correct the violation(s); and a compliance deadline date for the completion of all required corrections.

6. A demand and order to cease and desist from further action causing the violations and to permanently correct the violations by completing the action(s) specified in the inspection reports(s) attached to the Administrative Civil Penalties Notice and Order by a calendar date certain (the compliance deadline).

7. Notice that each Responsible Party is subject to an order requiring the payment of administrative civil penalties for each violation not corrected by the compliance deadline, in an amount determined by the Administrative Hearing Officer.

8. A list of each violation identified by the applicable section number and the daily amount of administrative civil penalties proposed for each violation.

9. Identification of the specific factors that were used to determine the proposed daily amount of administrative civil penalties, pursuant to the criteria in Section 1.17.320 of this

chapter, to be sought by the City in the event the corrective action required is not completed prior to the compliance deadline.

10. Notice of the date the amount of administrative civil penalties sought shall begin to accrue, and that any administrative civil penalties subsequently assessed shall continue on a daily basis at the daily assessed rate until the violations have been permanently corrected as determined by the City or the maximum amount has been reached.

11. Notice that administrative costs, in addition to any administrative civil penalties that may be imposed, may also be assessed by the Administrative Hearing Officer.

12. Notice and a brief description of the consequences of a Responsible Party's failure or refusal to appear at an administrative enforcement hearing on the Administrative Civil Penalties Notice and Order, and a Responsible Party's failure or refusal to pay the assessed administrative civil penalties and costs as provided in this chapter.

13. Notice and a brief description of any other consequences arising from a Responsible Party's failure or refusal to comply with the terms and deadlines as prescribed in the Administrative Civil Penalties Notice and Order.

14. Notice and a brief description of the administrative enforcement hearing procedures as set forth in this chapter.

15. Notice that a Responsible Party may seek judicial review of the Administrative Civil Penalties Enforcement Order pursuant to California Code of Civil Procedure Section 1094.6.

C. The Administrative Civil Penalties Notice and Order shall be served upon each Responsible Party in the manner required under this chapter.

D. More than one Administrative Civil Penalties Notice and Order may be issued against the same Responsible Party if each such subsequent notice and order concerns different dates, different violations, or different locations. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.320 Determination of administrative civil penalties; accrual and amount.

A. In determining the date when administrative civil penalties start to accrue, an Enforcement Officer may consider the date when the City first discovered the violation as evidenced by the issuance of an administrative citation, Administrative Civil Penalties Notice and Order, or any other written notice or correspondence to any Responsible Party.

B. In determining the amount of administrative civil penalties to be assessed on a daily rate, an Enforcement Officer may consider some or all of the following factors:

1. The duration of the violation.
2. The frequency of recurrence of the violation.
3. The seriousness of the violation.
4. The history of the violation.
5. The Responsible Party's conduct after issuance of the Notice and Order.
6. The good faith effort by the Responsible Party to comply.
7. The economic impact of the penalty on the Responsible Party.
8. The impact of the violation upon the community.
9. Any other factors that justice may require.

C. The City Manager, or the designated representative thereof, shall have the authority, but not the obligation, to establish a penalty schedule for Administrative Hearing Officers to use as a guideline in determining the amount of administrative civil penalties in appropriate cases; and to establish procedures for the use of this penalty schedule. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.330 Administrative costs.

The Administrative Hearing Officer is authorized to assess any reasonable administrative costs as set forth in an itemized statement of administrative costs presented at the administrative enforcement hearing on the Administrative Civil Penalties Notice and Order. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.340 Failure to comply with an Administrative Civil Penalties Notice and Order; administrative enforcement hearing.

When the Responsible Party fails to comply with the terms of the Administrative Civil Penalties Notice and Order by correcting the violation(s) and bringing the property into compliance with this code, an Enforcement Officer may schedule an administrative enforcement hearing as provided in this chapter. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.350 Administrative Civil Penalties Enforcement Order.

A. Within fifteen calendar days of the completion of the administrative enforcement hearing on an Administrative Civil Penalties Notice and Order, the Administrative Hearing Officer shall exercise the powers conferred under Section 1.17.160 and issue an Administrative Civil Penalties Enforcement Order.

B. The Administrative Civil Penalties Enforcement Order shall contain the following information:

1. Date of administrative enforcement hearing.
2. Identification by name of each Enforcement Officer, Responsible Party, and all other witnesses attending the hearing.
3. Determination of sufficiency of notice for due process purposes.
4. Summary of evidence presented by each witness, including exhibits.
5. Findings of fact, analysis of applicable sections of the Riverside Municipal Code, and conclusions of law as to the issues specified at Section 1.17.130 F of this chapter.
6. Determination and assessment of administrative civil penalties and costs to be awarded to the City, if any.
7. Notice of appeal rights and judicial review pursuant to Code of Civil Procedure 1094.6.
8. Signature of the Administrative Hearing Officer and the signature date.

C. The Administrative Civil Penalties Enforcement Order shall become final and take effect on the date it is signed by the Administrative Hearing Officer.

D. The Administrative Civil Penalties Enforcement Order shall be served on all Responsible Parties in the manner required under Section 1.17.060 of this chapter. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.360 Failure to comply with the Administrative Civil Penalties Enforcement Order.

Upon the failure of the Responsible Party to comply with terms and deadlines set forth in the Administrative Civil Penalties Enforcement Order, the Enforcement Officer may use all appropriate legal means to recover the administrative civil penalties and administrative costs assessed and obtain compliance with the Administrative Civil Penalties Enforcement Order. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.370 Duty to verify correction and compliance.

After the Administrative Hearing Officer issues an Administrative Civil Penalties Enforcement Order, the Enforcement Officer shall periodically and regularly inspect the subject

property to determine whether the subject property has been brought into compliance with the Administrative Civil Penalties Enforcement Order. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)

Section 1.17.380 Judicial review of an Administrative Civil Penalties Enforcement Order.

Any Responsible Party aggrieved by an Administrative Civil Penalties Enforcement Order may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure section 1094.6. (Ord. 6963 §2, 2007; Ord. 6479 § 1, 1999)

Section 1.17.390 Failure to comply with an Administrative Civil Penalties Enforcement Order; alternative remedies.

A. It is unlawful for a Responsible Party who has been served with a copy of the final Administration Enforcement Order pursuant to this chapter to fail to comply with that order.

B. Failure to comply with a final Administrative Enforcement Order may be prosecuted as an infraction or misdemeanor at the discretion of the City Attorney.

C. Failure to comply with a final Administrative Enforcement Order may result in alternative remedies, such as civil injunction, abatement, receivership or any other legal remedy. (Ord. 6963 §2, 2007; Ord. 6479 §1, 1999)