

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISOR POLICY

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Policy:

Ordinance 457.96 Section 4 Subdivision 3306.03 allows for the Department of Building and Safety to place a five year hold on the issuance of building permits and land use approvals if that property is graded without permits. Any property owner aggrieved by this decision has the right to appeal to the Board of Supervisors. To ensure that due process is followed and graded properties are restored to their original ungraded state the following code enforcement procedure will be utilized.

Objective:

To reduce or eliminate grading violations and to restore properties to their original ungraded state, policy guidelines are needed to establish a code enforcement procedure for abating properties that have been graded without permits.

Procedure:

1. Upon initial verification that grading without a permit has occurred the following actions will be taken:
 - a. A Notice of Violation and a \$100 Administrative Citation will be issued to the property owner.
 - b. A Notice of Non-compliance will be recorded immediately against the property. The Notice will include language that discloses the five (5) year hold on building permits and land use clearances.
 - c. A flag may be placed on the automated permit issuing system notifying all development related departments of the five (5) year hold on building permits and land use clearances.
 - d. If applicable, federal and state resource agencies will be notified of the grading violation
 - e. A Notice to Abate per Ordinance 725 will be sent certified mail to the property owner/s and any person/s having an interest in the property as determined by a title search.

2. If the property is not restored to the satisfaction of the Department of Building and Safety so as to prevent offsite drainage and slope erosion within 45 days of the date of the first Notice to Abate a \$200 Administrative Citation and a second Notice to Abate will be issued to the property owner/s.

3. If the property is not restored so as to limit offsite drainage and slope erosion within forty five (45) days of the second Notice to Abate a \$500 Administrative Citation will be issued to the property owner/s. A \$500 Administrative Citation will be issued for each subsequent thirty (30) days that the property is not restored to prevent offsite drainage and slope erosion.

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4. If within ninety days (90) from the first Notice to Abate the property is not restored to prevent offsite drainage and slope erosion a hearing will be scheduled before the Board of Supervisors for the abatement of the illegal grading as a public nuisance. At the hearing the property owner/s will have the opportunity to present evidence and testimony as to why the property should not be restored.

5. If the property has not been restored within 90 days of the Board's issuance of an Order to Abate, the county will retain a county approved contractor to reclaim the property to prevent offsite drainage and slope erosion.

6. All costs associated with the abatement action may be recorded against the property in the form of a lien as provided for in Ordinance 725.

7. Upon restoration of the property and payment of the lien the five (5) year flag on the building permit issuance and land use approvals will be released.

Reference:

Minute Order 3.46 of 05/23/06

Minute Order 3.3 of 04/10/07