

ORDINANCE NO. 2923-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 1.05.110 OF CHAPTER 1.05 (ADMINISTRATIVE CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO PLACEMENT OF UNPAID ADMINISTRATIVE CITATIONS ON THE COUNTY OF SANTA CLARA PROPERTY TAX ROLL

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 1.05.110 AMENDED. Section 1.05.110 of Chapter 1.05 (Administrative Citations) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

1.05.110. Recovery of administrative citation fines and costs.

(a) The city may collect any past-due administrative citation fine or late payment charge by use of all available legal means. The city also may recover its collection costs pursuant to this code.

(b) Whenever the amount of any administrative penalty and/or administrative cost imposed pursuant to this chapter in connection with real property has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely appeal pursuant to California Government Code Section 53069.4, this obligation may constitute a lien or, in the alternative, a special assessment against the real property on which the violation of the city code occurred.

(c) Lien Procedure.

(1) Whenever the amount of any administrative citation imposed pursuant to this chapter in connection with real property has not been satisfied in full within ninety days and/or has not been successfully challenged by a timely appeal under California Government Code Section 53069.4, this obligation may constitute a lien against the real property on which the violation occurred.

(2) The lien provided herein shall have no force and effect until recorded with the county recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Sections 697.340 of the Code of Civil Procedure and may be extended as provided in Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(3) Interest shall accrue on the principal amount of the judgment remaining unsatisfied pursuant to law.

(4) Prior to recording any such lien, the director of finance shall prepare and file with the city clerk a report stating the amounts due and owing.

(5) The city clerk shall fix a time, date and place for hearing such report and any protests or objections thereto by city council.

(6) The director of finance shall cause written notice to be served on the property owner not less than ten days prior to the time set for the hearing. Such notice shall be served as provided in Section 1.08.100.

(c) Special assessment procedure.

(1) As an alternative to the lien procedure authorized by Section 1.05.110(c), there is hereby established a procedure for making the administrative citation imposed pursuant to this chapter and related administrative costs a special assessment against the subject real property.

(2) Whenever the amount of any administrative citation imposed pursuant to this chapter in connection with real property has not been satisfied in full within ninety days and/or has not been successfully challenged by a timely appeal, the finance director shall prepare and file with the city council a report stating the amounts due and owing, the date of the administrative order or abatement order, the street address, legal description and assessor's parcel number of the subject property, and the name and address of the recorded owner of the property.

(3) Prior to the imposing of the special assessment, the enforcement officer shall serve a copy of the report provided under subsection (2) of this section on the property owner, along with notice that the property may be sold by the county of Santa Clara tax collector for unpaid delinquent assessments. Such notice shall be served by certified mail to the property owner. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in Santa Clara County. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice.

(4) At the time and place fixed for receiving and considering the report provided under subsection (2) of this section, the city council shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed. Upon such hearing, the council may make such modifications in the proposed assessment thereof as it may deem necessary, after which such report and assessment list shall be confirmed by resolution.

(5) The director of finance shall cause the amount of the assessment to be entered on the city assessment roll opposite the description of the particular property, and the amount shall be collected together with all other taxes thereon upon the property. Thereafter such amounts shall be collected at the same time, and in the same manner, as general city taxes are collected and shall be subjected to the same penalties and interest, and the same procedure and sale in case of delinquency as provided for city taxes. All laws and ordinances applicable to the levy, collection and enforcement of city taxes are hereby made applicable to such special assessment.

SECTION 2. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on July 20, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney