

ORDINANCE NO. 04-269

ORDINANCE AMENDING TITLE 1 OF THE CITY OF LOS ALTOS
MUNICIPAL CODE BY ADDING A NEW CHAPTER 1.30 TO THE
CITY OF LOS ALTOS CITY CODE ESTABLISHING AN
ADMINISTRATIVE CITATION AND ADMINISTRATIVE REMEDIES
PROCESS

WHEREAS, the City Council finds that administrative citations and the compliance administrative hearing process as authorized by California Government Code section 53069.4 provides informal, expeditious and appropriate procedures for achieving code compliance; and

WHEREAS, the City Council further finds that it is in the public interest to impose administrative penalties as authorized by California Government Code section 53069.4 as an alternative to criminal penalties or civil remedies.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES ORDAIN AS FOLLOWS:

SECTION I: Title 1 of the Los Altos City Code ("City Code") is amended by adding a new Chapter 1.30 entitled "Administrative Citations and Orders" which includes sections 1.30.010 through 1.30.170.

SECTION II: Title 1 of the City Code is amended by adding the following:

Chapter 1.30

Section 1.30.010. Administrative Citations - Applicability

Sections 1.30.010 through 1.30.070 herein provide for administrative citations which are in addition to all other civil legal remedies and are an alternative to any criminal legal remedies, which may be pursued by the City to address any violation of the City Code.

Section 1.30.015. Definitions

For purpose of Chapter 1.30 the following definitions shall apply:

Enforcement Officer shall mean any City employee or agent of the City with the authority to enforce any provision of the City Code, including, but not limited to, the City Manager, or his or her designee, as set forth in a Resolution adopted by the City Council.

Hearing Officer shall mean any person designated by the City Manager to hear appeals of administrative citations and to hear administrative compliance hearings. The Hearing Officer shall not be the citing Enforcement Officer, a City employee or a City resident. The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of administrative citation penalties upheld by the Hearing Officer.

Section 1.30.020. Administrative Citation

- A. Whenever an Enforcement Officer charged with the enforcement of the City Code determines that a violation of a provision of the City Code has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation of the City Code.
- B. Each administrative citation shall contain the following information:
1. The date of the violation of the City Code;
 2. The address or a definite description of the location where the violation of the City Code occurred;
 3. The section of the City Code violated and a description of the violation;
 4. The amount of the penalty for the City Code violation;
 5. A description of the penalty payment process, including a description of the time within which and the place to which the penalty shall be paid;
 6. An order prohibiting the continuation or repeated occurrence of the City Code violation described in the administrative citation;
 7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and,
 8. The name and signature of the citing Enforcement Officer.
- C. Prior to the issuance of an administrative citation for a violation of a provision of the City Code which pertains to building, plumbing, electrical, or similar structural or zoning matters that do not create an immediate danger to health or safety, the Enforcement Officer shall provide a reasonable period of time not less than ten (10) business days to correct or otherwise remedy the violation of the City Code.

Section 1.30.025 Amount of Penalties

- A. The amount of the penalties for violations of the City Code imposed pursuant to this Chapter shall be as set forth in California Government Code section 36900(b), and as may hereinafter be amended. The penalties for violations of the City Code relating to building and safety shall be as set forth in California Government Code section 36900(c), and as may hereinafter be amended.

Section 1.30.030 Payment of Penalty

- A. The penalty shall be paid to the City within thirty (30) days from the date of the administrative citation.
- B. Payment of a penalty shall not excuse or discharge any continuation or repeated occurrence of the City Code violation that is the subject of the administrative citation.

Section 1.30.035 Hearing Request

- 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) days from the date of the administrative citation, together with an advance deposit of the total penalty amount or an advance deposit hardship waiver Application form as described in section 1.30.070.
- 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 (10) days prior to the date of the hearing.
- D. If the Enforcement Officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five (5) days prior to the date of the hearing.

Section 1.30.040 Hearing Procedure

- A. No hearing to contest an administrative citation before a Hearing Officer shall be held unless the penalty has been deposited in advance in accordance with section 1.30.035A or an advance deposit hardship waiver has been filed with and accepted by the City pursuant to section 1.30.070.
- B. A hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this Chapter.

- C. At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.
- D. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the penalty and a failure to exhaust his or her administrative remedies.
- E. The administrative citation and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- F. The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the citation prior to issuing a written decision.

Section 1.30.045 Hearing Officer's Decision

- A. After considering all of the oral and written evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel the administrative citation and shall list the reasons for that decision. The decision of the Hearing Officer shall be final.
- B. If the Hearing Officer determines that the administrative citation should be upheld, he or she shall impose a penalty not to exceed the penalty amount set forth in the citation. The City shall retain the penalty amount on deposit with the City. If the Hearing Officer determines that the administrative citation should be upheld and the penalty was not deposited pursuant to a waiver under section 1.30.070, the Hearing Officer shall set forth in the decision an order for payment of the penalty and a payment schedule for the penalty.
- C. The Hearing Officer may assess administrative costs against the violator when the Hearing Officer determines that a violation of the City Code has occurred and that compliance was not achieved. Administrative costs may include any and all costs incurred by the City (both direct and indirect costs) in investigating and commencing administrative proceedings for the violation as well as any and all costs incurred by the City in connection with the hearing before the Hearing Officer, including but not limited to costs the Enforcement Officer incurred in preparation for the hearing and for participating in the hearing itself, and costs of the City to conduct the hearing.
- D. Failure to pay administrative penalties and administrative costs in the amounts specified in the Hearing Officer's decision on or before the date specified in that decision may constitute a violation of the City Code punishable as a

misdemeanor and may further be subject to collection and late charges as otherwise provided for administrative penalties herein.

- E. If the Hearing Officer determines that the administrative citation should be cancelled, the City shall refund the amount of the deposited penalty.
- F. The recipient of the administrative citation shall be served with a copy of the Hearing Officer's written decision.

Section 1.30.050 Late Payment Charges

- A. Any penalty amount imposed pursuant to this Chapter will be deemed delinquent if it is not paid in the accordance with section 1.30.030 and/or section 1.30.120.
- B. Any person who fails to pay to the City all or part of the amount of any penalty imposed on or before the date that the penalty amount is due will become liable for the payment of an additional delinquency payment. The delinquency penalty will be equal to ten percent (10%) of the amount of the penalty remaining unpaid to the City per month.

Section 1.30.055 Recovery of Administrative Citation Penalties and Collection Costs

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

Section 1.30.060 Right to Judicial Review

Any person aggrieved by an administrative decision of the Hearing Officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in Santa Clara County in accordance with the time lines and provisions set forth in California Government Code section 53069.4.

Section 1.30.065 Notices

Whenever a notice is required to be given under this Chapter, unless different provisions are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by deposit in the United States Mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at the last-known business or residence address as the same appears in the last equalized county assessment roll or to the records pertaining to the matter to which such notice is directed. Service by mail shall be deemed completed at the time of deposit in the United States Mail receptacle is made. Failure to receive any notice specified herein does not affect the validity of proceedings conducted hereunder.

Section 1.30.070 Advance Deposit Hardship Waiver

- A. Any person who intends to request a hearing to contest an administrative citation, and who is financially unable to make the advance deposit of the penalty as required in section 1.30.035A, may file a request for an advance deposit hardship waiver which shall include a sworn affidavit as described in subsection C below.
- B. The request shall be filed, along with the request for hearing form, with the City Manager's Office on an advance deposit hardship waiver application form, available from the City Clerk's Office, within ten (10) days of the date of the administrative citation.
- C. The City may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the cited party submits to the City a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the City Manager the person's actual financial inability to deposit with the City the full amount of the penalty in advance of the hearing. In determining the cited party's financial ability or inability to deposit the full amount of the penalty in advance, the City Manager shall consider the amount of the penalty imposed, the income of the cited party, the expenses of the cited party, and any other factors that are reasonably related to the cited party's ability to deposit the full amount.
- D. The requirement of depositing the full amount of the penalty as described in section 1.30.035A shall be stayed unless or until the City makes a full determination not to issue the advance deposit hardship waiver. Said hardship waiver determination shall be made within ten (10) days from the date it is submitted to the City Manager's Office.
- E. If the City makes a determination to deny the advance deposit hardship waiver application, a written determination listing the reasons for said denial shall be issued. The written determination to deny the waiver shall be final, and shall

require payment of the fine and/or penalty within ten (10) days or thirty (30) days of the date of the citation, whichever is later.

- F. The written determination of the City's denial of the advance deposit hardship waiver shall be served by mail upon the person who applied for the waiver.

Section 1.30.080 Administrative Orders - Applicability

Sections 1.30.080 through 1.30.170 herein provide for administrative orders which are in addition to all other civil legal remedies and which are an alternative to any criminal legal remedies, which may be pursued by the City to address any violation of the City Code.

Section 1.30.085 Compliance Order

- A. Whenever the Enforcement Officer determines that a violation of any provision of the City Code is occurring or exists on a continuing basis, a written compliance order may be issued to any person responsible for the violation of the City Code and/or the property owner.
- B. A compliance order issued pursuant to this Chapter shall contain the following information:
 - 1. The date and location of the violation of the City Code;
 - 2. The section of the City Code violated and a description of the violation;
 - 3. The actions required to correct the violation of the City Code;
 - 4. The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;
 - 5. Either a copy of Chapter 1.30 or an explanation of the consequences of noncompliance with this Chapter and a description of the hearing procedure and appeal process.

Section 1.30.090 Method of Service

- A. All notices required herein shall be served as provided in section 1.30.095 of this Chapter unless otherwise specified.
- B. Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.
- C. Where personal service or service by mail upon the property owner cannot be made despite a diligent effort, a copy of the order shall be conspicuously posted at the property that is the subject of the order.
- D. The failure of any person to receive any notice required under this Chapter shall not affect the validity of any proceedings taken under this Chapter.

Section 1.30.095 Notice Service Procedure

Whenever a notice is required to be given under this Chapter, unless different provisions are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by deposit in the United States Mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at the last-known business or residence address as the same appears in the last equalized county assessment roll or to the records pertaining to the matter to which such notice is directed. Service by mail shall be deemed completed at the time of deposit in the United States Mail receptacle is made. Failure to receive any notice specified herein does not affect the validity of proceedings conducted hereunder.

Section 1.30.100 Hearing

- A. If the Enforcement Officer determines that all violations of the City Codes have been corrected within the time specified in the compliance order, no further action shall be taken.
- B. If full or partial compliance is not achieved within any of the times specified in the compliance order for full or partial compliance, the Enforcement Officer shall set a hearing before the Hearing Officer.
- C. The Enforcement Officer shall cause a written notice of hearing to be served on the violator and, where real property is involved, a notice of hearing shall be served on the property owner at the address as it appears on the last equalized county assessment roll available on the date the notice is prepared.
- D. All hearings shall be open and public.

Section 1.30.105 Notice of Hearing

- A. Every notice of hearing on a compliance order shall contain the date, time and place at which the hearing shall be conducted by the Hearing Officer.
- B. Each hearing shall be set for a date not less than fifteen (15) days nor more than sixty (60) days from the date of the notice of hearing unless the City Manager determines that the matter is urgent or that good cause exists for an extension of time.
- C. The hearing serves to provide the full opportunity of a person subject to a compliance order to object to the determination that a violation of the City Code has occurred and/or that the violation of the City Code has continued to exist. The failure of any person subject to a compliance order, pursuant to this Chapter, to appear at the hearing shall constitute a failure to exhaust administrative remedies.

Section 1.30.110 Hearing - Findings and Order

- A. At the place and time set forth in the notice of hearing, the Hearing Officer shall conduct a hearing on the compliance order issued pursuant to section 1.30.085.
- B. The Hearing Officer shall consider any oral or written evidence consistent with its rules and procedures regarding the violation of the City Code and compliance by the violator and/or by the real property owner, including but not limited to:
 - 1. The report of the Enforcement Officer;
 - 2. Objections or protests of property owners or other responsible or interested persons who may be held liable for the amounts owed or whose property may be assessed or liened for the amounts owed;
 - 3. Evidence on whether the person before the Hearing Officer is responsible for the amounts owed to the City;
 - 4. Evidence on whether the person responsible for the amounts owed to the City has taken the required corrective action within the required time period; and
 - 5. Such other and further evidence as justice may require
- C. Within a reasonable time following the conclusion of the hearing, the Hearing Officer shall make findings and issue its determination regarding:
 - 1. The existence of the violation of the City Code; and
 - 2. The failure of the violator or owner to take required corrective action within the required time period.
- D. The Hearing Officer shall issue written findings on each violation of the City Code. The findings shall be supported by evidence received at the hearing.
- E. If the Hearing Officer finds by a preponderance of the evidence that a violation of the City Code has occurred and that the violation of the City Code was not corrected within the time period specified in the compliance order, the Hearing Officer shall issue an administrative order pursuant to section 1.30.115.
- E. If the Hearing Officer finds that no violation of the City Code has occurred or that the violation of the City Code was corrected within the time period specified in the compliance order, the Hearing Officer shall issue a finding of those facts.

Section 1.30.115 Administrative Order

- A. If the Hearing Officer determines that a violation of the City Code occurred which was not corrected within the time period specified in the compliance order, the Hearing Officer shall issue an administrative order that imposes any or all of the following:
 - 1. An order to correct, including a schedule for correction where appropriate;
 - 2. Administrative penalties as provided in section 1.30.120;
 - 3. Administrative costs as provided in section 1.30.125; and
 - 4. Interest as provided in section 1.30.130.

- B. The Administrative Order shall state that failure to comply with its provisions may, pursuant to section 1.20.010C, in addition to any other remedies provided by law, result in the City abating the nuisance and charging the cost of said abatement plus all administrative costs to the property owner, and may further result in the City collecting the monies due as a personal obligation of the responsible party or by recordation of a lien or filing of a special assessment against the subject real property.

Section 1.30.120 Administrative Penalties

- A. The Hearing Officer may impose daily administrative penalties for the violation of any provision of the City Code. The amount of the penalties for violations of the City Code imposed pursuant to this Chapter shall be as set forth in Government Code section 36900(b), and as may hereinafter be amended. The penalties for violations of the City Code relating to building and safety shall be as set forth in Government Code section 36900(c), and as may hereinafter be amended.

- B. The Hearing Officer may, suspend administrative penalties for any period of time during which the violator has filed for necessary permits and such permit applications are actively pending before the City, state or other appropriate public agency.

- C. In determining the amount of the administrative penalty, the Hearing Officer may take any or all of the following factors into consideration:
 - 1. The duration of the violation of the City Code;
 - 2. The frequency, recurrence and number of violations of the City Codes, related or unrelated, by the same violator;
 - 3. The seriousness of the violation of the City Code;
 - 4. The good faith efforts of the violator to come into compliance;
 - 5. The economic impact of the penalty on the violator;
 - 6. The impact of the violation of the City Code on the community; and
 - 7. Such other factors as justice may require.

- D. Administrative penalties imposed by the Hearing Officer shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation of the City Code is corrected as determined by the Enforcement Officer or the Hearing Officer.
- E. Administrative penalties assessed by the Hearing Officer shall be due by the date specified in the administrative order.
- F. If the violation of the City Code is not corrected as specified in the Hearing Officer's order to correct, administrative penalties shall continue to accrue on a daily basis until the violation of the City Code is corrected, subject to the maximum amount set forth in subsection A above.
- G. If the violator gives written notice to the Enforcement Officer that the violation of the City Code has been corrected and if the City Manager finds that compliance has been achieved, the Enforcement Officer shall deem the date the written notice was postmarked or personally delivered to the City Manager or the date of the final inspection, whichever first occurred, to be the date the violation of the City Code was corrected. If no written notice is provided to the Enforcement Officer, the violation of the City Code will be deemed corrected on the date of the final inspection.

Section 1.30.125 Administrative Costs

- A. Hearing Officer shall assess administrative costs against the violator when it finds that a violation of the City Code has occurred and that compliance has not been achieved within the time specified in the compliance order.
- C. The administrative costs may include any and all costs incurred by the City in connection with the matter before the Hearing Officer including, but not limited to, costs of investigation of the violation of the City Code, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all subsequent inspections necessary to enforce the compliance order.

Section 1.30.130 Interest

The Hearing Officer may also assess interest at the legal rate on the amount of administrative penalties, abatement costs and administrative costs imposed at the legal rate from the date of the administrative order.

Section 1.30.135 Force and Effect

- A. The administrative order of the Hearing Officer is final at the time it is made; however, the Hearing Officer shall maintain continuing jurisdiction and shall have the power to modify the administrative order, after providing the person

subject to the administrative order with notice and an opportunity to be heard, until full compliance is achieved.

- B. The administrative order of the Hearing Officer, once recorded, shall have the same force and effect and priority as a judgment lien governed by the provisions of section 697.340 of the California Code of Civil Procedure and may be extended as provided in sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.
- C. The administrative order shall have the same force and effect as a resolution of the City Council for the purpose of filing a lien, special assessment, or special collection with the County of Santa Clara or tax collector's office pursuant to the City Code and for the purpose of pursuing any other collection or enforcement action to obtain payment of the amounts owed to the City.

Section 1.30.140 Failure to Comply with Administrative Order

- A. If unpaid as of the date specified in the administrative order, the administrative penalties, administrative costs and interest assessed by the Hearing Officer shall be collected by the City by use of all available legal means, and may be enforced as:
 - 1. A personal obligation of the violator; and/or
 - 2. If the violation of the City Code is in connection with real property, lien or special assessment upon the real property. The lien or special assessment shall remain in effect until all of the administrative penalties, interest and administrative costs are paid in full.
- B. In addition to any other remedies provided by law, failure to pay administrative penalties, administrative costs and interest in the amounts specified in the Hearing Officer's decision on or before the date specified in that decision may constitute a violation of this City Code punishable as a misdemeanor.

Section 1.30.145 Right of Judicial Review

The decision of the Hearing Officer shall be final. Any person aggrieved by an administrative order of the Hearing Officer may obtain review of the administrative order in the Superior Court of Santa Clara County by filing with the court a notice of appeal pursuant to California Government Code section 53069.4.

Section 1.30.150 Report of Compliance after Administrative Order

If the Enforcement Officer determines that compliance has been achieved after a compliance order has been sustained by the Hearing Officer, the Enforcement Officer shall

prepare a report indicating that compliance has been achieved. A copy of the compliance report shall be served on the violator.

Section 1.30.155 Lien / Special Assessment

Whenever the amount of any administrative penalty and/or administrative cost imposed by the Hearing Officer 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.

Section 1.30.160 Lien Procedure

- A. There is hereby established the following procedure for collection of administrative penalties and costs imposed by the Hearing Officer pursuant to this Chapter or other abatement and related administrative costs by recordation of a lien.
- B. Upon determination by the Enforcement Officer that the administrative penalty, administrative costs and interest imposed by the Hearing Officer has not been satisfied in full within ninety (90) days and/or not been successfully challenged by a timely appeal, the Enforcement Officer shall prepare and file with the City Council a report stating the amounts due and owing, the date of the administrative 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.
- C. Prior to recordation of the lien, the Enforcement Officer shall serve a copy of the report provided under subsection B above on the property owner, along with notice to the property owner that a lien in the amounts stated in the report will be filed against the subject property in the County Recorder's Office.
- D. The notice set forth in subsection C above shall be served in the same manner as summons in a civil action in accordance with California Code of Civil Procedure section 415.10 et seq. 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.
- E. Following proper notice to the owner of record as provided in subsection D above, the Enforcement Officer's report and a copy of the administrative or abatement order shall be recorded as a lien with the County Recorder. Once

recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provision of section 697.340 of the California Code of Civil Procedure and may be extended as provided in sections 683.110 to 683.220, inclusive, of the California Code of Civil Procedure.

- F. Interest at the legal rate per year shall accrue on the principal amount of the lien until satisfied pursuant to law.
- G. A lien pursuant to this section may be foreclosed by an action brought by the City for a money judgment.

Section 1.30.165 Special Assessment Procedure

- A. As an alternative to the procedure authorized by section 1.30.160, there is hereby established a procedure for making the administrative penalties and costs imposed by the Hearing Officer pursuant to this Chapter or abatement and related administrative costs a special assessment against the subject real property.
- B. Upon determination by the Enforcement Officer or the Hearing Officer that the administrative penalty, administrative cost and/or interest imposed by the Hearing Officer has not been satisfied in full within ninety (90) days and/or not been successfully challenged by a timely appeal, the Enforcement Officer 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.
- C. Prior to the imposing of the special assessment, the Enforcement Officer serve a copy of the report provided under subsection B above that the property owner, along with notice that the property may be sold after three (3) years 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.
- D. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and

enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the assessment relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the assessment shall not result in a lien against the real property but instead shall be collected by all available legal means.

- E. Interest shall accrue on the principal amount of the assessment until satisfied pursuant to law.
- F. The City may, subject to the requirements applicable to the sale of property pursuant to section 3691 of the California Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of the assessment is delinquent.
- G. Notices or instruments relating to the administrative order, abatement order or special assessment shall be entitled to recordation.

Section 1.30.170 Satisfaction of Lien / Special Assessment

- A. Once payment in full is received by the City for outstanding penalties and costs, the Director of Finance shall:
- B. With respect to a lien, either record a notice of satisfaction or provide the property owner or financial institution with a notice of satisfaction so they may record this notice with the Office of the County Recorder. Such notice of satisfaction shall cancel the City's lien; or
- C. With respect to a special assessment, provide written notice to the County of Santa Clara tax collector that the special assessment amount has been paid in full and should no longer be imposed against the subject property. Such written notice shall cancel the City's special assessment.

SECTION III: If any of the provisions of this ordinance or the application thereof to any person or property is held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV: Effective Date: This ordinance shall be effective on the thirty-first day after the date of its adoption.

The above and foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos on October 12, 2004, and was thereafter, at a regular meeting of the Los Altos City Council held on October 26, 2004, duly passed and adopted by the following roll call vote:

AYES: COLE, PACKARD, CASAS, LEAR, MOSS

NOES: NONE

ABSENT: NONE

APPROVED:

John Moss

John Moss, MAYOR

ATTEST:

Susan Kitchens

Susan Kitchens, CITY CLERK