

# **Ordinance Fact Sheet**

TO:

CITY COUNCIL

DATE:

March 29, 2004

FROM:

CITY ATTORNEY

SUBJECT:

AMENDMENT OF INSPECTION AND COST RECOVERY ORDINANCE

RELATED TO CODE ENFORCEMENT RELOCATION COSTS

### TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SUBSECTION 1.30.030(A) OF THE PASADENA MUNICIPAL CODE RELATED TO CODE ENFORCEMENT COST RECOVERY

#### PURPOSE OF THE ORDINANCE:

The City's Inspection and Cost Recovery Ordinance currently provides authority for the City to recover costs incurred in seeking abatement of municipal code violations. Pasadena Municipal Code Section 1.30.030(A) sets forth examples of some types of costs that are recoverable, although the list is not exhaustive. This ordinance will include tenant relocation costs among the specified types of costs which are recoverable under the City's code enforcement Inspection and Cost Recovery Ordinance.

#### REASON WHY THIS LEGISLATION IS NEEDED:

In the context of a recent cost recovery matter, councilmembers inquired whether the Municipal Code should be changed to explicitly allow recovery for relocation costs. An ordinance is necessary to amend the Inspection and Cost Recovery Ordinance pursuant to Section 505 of the City Charter.

MEETING OF \_\_\_\_3/29/04

AGENDA ITEM NO. 9.A.(1)

71919.1

#### PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Neighborhood Revitalization Division, the Fire Department, and the Public Health Department, all charged with code enforcement responsibility, are primarily affected by this proposed amendment. Owners of dilapidated, poorly maintained rental units could also be affected.

## **FISCAL IMPLICATIONS:**

The amendment may result in increased costs recovered by the City in the event tenant relocation costs are incurred by the City. The express language regarding relocation cots may enhance the likelihood that the City would recover reasonable relocation expenditures.

#### **POLICY CHANGE:**

This amendment does not represent a policy change. The city's costs currently listed in subsection 1.30.030(A) are merely illustrative, and this ordinance clarifies that relocation costs are specifically a part of the expenses which the city could attempt to recover in its code enforcement efforts.

Respectfully submitted,

Michele Beal Bagneris

City Attorney

Concurrence:

Ovnthia J. Kurt

City Manager

Prepared by:

Carolyn Y. Williams

Asst. City Attorney

Introduced by		
	ORDINANCE NO.	

# AN ORDINANCE OF THE CITY OF PASADENA AMENDING SUBSECTION 1.30.030(A) OF THE PASADENA MUNICIPAL CODE RELATED TO CODE ENFORCEMENT COST RECOVERY

The People of the City of Pasadena ordain as follows:

**SECTION 1.** Subsection A of Section 1.30.030 is hereby amended to read:

"A. The property owner or other responsible party may be charged for all city costs and incidental expenses incurred in abating violations of this code, including, but not limited to: the actual costs of the city in preparing notices, correspondence, specifications, and contracts; staff costs related to inspections of the property; the costs of printings and mailings; costs related to inspection warrants; costs related to office hearings and administrative adjudications; costs related to relocating tenants of uninhabitable property; any attorney's fees expended in the abatement of the nuisance through civil action or otherwise; all costs or expenses for which the city may be liable under state law arising from or related to the nuisance action; and all costs to which the city may be entitled pursuant to California Health and Safety Code Section 101325 and other statutory entitlements."

SECTION 3. This ordinance shall take effect upon the date of its publication.

Signed and approved this \_\_\_\_\_\_ day of \_\_\_\_\_\_ 2004.

Bill Bogaard

Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordina	ance was adopted by the City Council of
the City of Pasadena at its meeting of	, 2004, by the following vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
Published:	
	Jane Rodriguez City Clerk
APPROVED AS TO FORM:	·
Carolyn Y. Williams Asst. City Attorney	