

Code Enforcement Curb Appeal Review

February 13, 2019

Questions for consideration.

- Should trash cans in the front yard be screened?
- How should Code Enforcement enforce a curb appeal issue (warning, Notice of Violation, Administrative Citation, etc.)?
- Should a vehicle be allowed to park on grass or other non-paved surfaces in the front yard?
- Should front yards have stringent or lenient curb appeal?
- Should Code Enforcement only cite the property with the violation (based on complaint received) or cite every property on the same block with similar and/or other curb appeal violation(s)?
- Should the City again enforce prohibiting brown yards, weeds, dirt, etc. in the front yard since the draught has ended?
- Should parties making complaints remain anonymous?

Should trash cans in the front yard be screened?

- “18.72.010(K) Garbage or trash cans or containers stored in front or side yard areas without adequate screening and visible from any public street, property, or right-of-way any garbage or trash cans placed out for pick-up prior to sunrise of the day before refuse pick-up or not removed on or before sunset of the date after refuse pick-up.”

VS.

- ~~“18.72.010(K) Garbage or trash cans or containers stored in front or side yard areas without adequate screening and visible from any public street, property, or right-of-way any garbage or trash cans placed out for pick-up prior to sunrise of the day before refuse pick-up or not removed on or before sunset of the date after refuse pick-up.”~~

- Current enforcement in Rialto and different cities, issue notices for trash bins in public view.
- Options are removing trash bins from street/ sidewalk or leaving them curbside.

Trash bin out of view.



Trash bins left in view but off of street/sidewalk.



Trash bins on street/ sidewalk



How should Code Enforcement enforce a curb appeal issue (warning, Notice of Violation, Administrative Citation, etc.)?

- Rialto along with other cities initially administer a Courtesy Notice, Notice of Violation, Administrative Citation, or a Parking Ticket (When applicable)
- Options include providing each violation with a certain time frame for follow up.
- Obtaining a fee schedule for each type of violation and collecting fees through a third party collection agency.



CITY OF RIALTO
DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION
150 S. Palm Ave., Rialto, CA 92376
(909) 820-2636

COURTESY NOTICE

Address: _____

Date: _____ Time: _____

Code Officer: _____

Phone #: _____

**The following violations were observed on your property.
Please make the necessary corrections.**

- ☐ **Visible trash cans.** Remove trash cans from location and or screen from public view. RMC 18.72.010(K).
- ☐ **Discarded junk/trash/debris.** Clean and maintain property from discarded trash. RMC 18.72.010(H).
- ☐ **Portable basketball stand.** Remove basketball stands from public right of ways. RMC 18.72.010(E).
- ☐ **Unpaved parking prohibited.** Park all vehicles on paved surfaces only. RMC 10.28.292
- ☐ **Inoperable/wrecked/abandoned vehicle(s).** Restore vehicle(s) to a street legal operating condition or remove from public view. RMC 9.26.030
- ☐ **Overgrown vegetation/grass.** Cut or mow grass / weeds exceeding 6" in height. RMC 18.72.010(C)2.
- ☐ **Temporary holiday lighting.** Remove all temporary holiday lighting. IPMC 605.1
- ☐ **Other:** _____

**Failure to comply may result in the issuance of a
Notice of Violation.**



CITY OF RIALTO
DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION
150 S. PALM AVE., RIALTO, CA 92376 (909) 820-2636
NOTICE OF VIOLATION



DATE: _____ VIOLATION SITE: _____ APT / SPC # _____

PROPERTY OWNER(S): _____ APN: _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

THE CITY INSPECTED THE ABOVE SITE ADDRESS AND FOUND THE FOLLOWING VIOLATION(S):

- | | |
|---|--|
| ___ RMC 18.72.010(B)1 - Abandoned / Destroyed building | ___ RMC 18.72.010(H) - Trash / debris / rubbish |
| ___ RMC 18.72.010(B)2 - Unoccupied / Unsecured building | ___ RMC 18.72.010(K) - Visible trash cans |
| ___ RMC 18.72.010(B)3 - Broken windows | ___ RMC 18.72.010(O) - Structure in substantial deterioration / disrepair |
| ___ RMC 18.72.010(B)4 - Hazardous fences / walls | ___ RMC 18.72.010(R) - Nuisance conditions |
| ___ RMC 18.72.010(B)5 - Peeling / chipping/blistering paint | ___ RMC 18.102.050(U) - Graffiti accumulation |
| ___ RMC 18.72.010(B)6 - Illegal use of extension cords | ___ RMC 18.102.050(B)8 - Un-permitted display of banners / flags / signs |
| ___ RMC 18.72.010(C)2 - Overgrown grass / vegetation | ___ RMC 10.28.292(A-B) - Unpaved parking prohibited |
| ___ RMC 18.72.010(D)2 - Untrimmed trees / hedges / shrubs | ___ RMC 10.28.291(A) - Commercial vehicle prohibited on residential property |
| ___ RMC 18.72.010(D)3 - Dead / dying landscaping | ___ RMC 9.26.030 - Storing abandoned / wrecked / inoperable vehicles |
| ___ RMC 18.72.010(D)4 - Lack of vegetation / ground cover | _____ |
| ___ RMC 18.72.010(D)7 - Un-maintained parkway | _____ |
| ___ RMC 18.72.010(E) - Attractive nuisance | _____ |
| ___ RMC 18.72.010(G) - Discarded furniture / appliances | _____ |

OTHER: _____

REQUIRED ACTION(S): _____

*** REQUIRED COMPLIANCE DATE:** _____

FAILURE TO COMPLY BY THE * REQUIRED COMPLIANCE DATE ABOVE MAY SUBJECT YOU TO LEGAL ACTION, INCLUDING CIVIL INJUNCTION; CRIMINAL PROSECUTION, WHICH IS PUNISHABLE BY IMPRISONMENT OF UP TO SIX (6) MONTHS IN JAIL OR FINE OF UP TO \$1,000.00 OR BOTH; OR THE ISSUANCE OF AN ADMINISTRATIVE CITATION WHICH MAY RESULT IN FINES OF UP TO \$1,000.00 PER DAY PER VIOLATION AND CAN BE RECORDED AS LIENS AGAINST YOUR PROPERTY WITH THE COUNTY ASSESSOR. ANY ACTION TAKEN BY THE CITY ON SUCH PREMISES SHALL BE CHARGED AGAINST THE REAL ESTATE AND SHALL BE A LIEN UPON SUCH REAL ESTATE WITH THE COUNTY ASSESSOR.

CODE OFFICER / BADGE I.D.: _____ OFFICE TEL. NO.: _____

This notice was provided to: ___Property Owner(s) ___Property Manager or Representative ___Tenent ___Posted ___Mailed

Person Served: _____ Date: _____

OFFICE COPY



Administrative Citation

Development Services Department, Code Enforcement Division
City of Rialto - 150 S. Palm Avenue, Rialto, CA 92376

Issuing Department / Division: _____ Citation# **5145**

Violation Site:		
APN#	City	State Zip
Date:	Time: AM PM	Day of Week: S M T W T F S
Owner: (First, Middle, Last)		
Owner Address:		
Drivers License No.	State:	DOB: Male Female
Violations and Fines have been listed below		
Code Section	Description / Remedy	Fine Amount
RMC 18.72.010 (O)	Structure in disrepair	
RMC 18.72.010 (B) 4	Fences/walls in disrepair	
RMC 18.72.010 (C) 2	Overgrown grass/vegetation	
RMC 18.72.010 (D) 3	Dead lawns/shrubs or other vegetation	
RMC 18.72.010 (D) 4	Lack of vegetation	
RMC 18.72.010 (D) 6	Improper fence, wall and/or hedge requirements	
RMC 18.72.010 (D) 7	Unmaintained parkway	
RMC 18.72.010 (G)	Visible furniture, appliances and shade covers	
RMC 18.72.010 (H)	Trash/debris/rubbish	
RMC 18.102.050 (B) 5	Commercial banners/flags/pennants	
RMC 5.04.260	Operating without a business license	
RMC 9.26.030	Store abandoned/wrecked/inoperable vehicles	
RMC 8.08.050 / 060	No trash service – Residential / Commercial	
RMC 11.16.030 (A / B)	Illegal solicitation in public right of way	
Payment is due 15 calendar days from date of this citation. <i>Failure to correct the violations prior to the due date will result in the total fine amount plus \$1,000.00 a day, for each day beyond the 15 days and other legal actions will result for noncompliance.</i>		Sub Total Multiplied X -15 Days Total Fine Amount
Signature (Acknowledging Receipt)		
Printed Name:		
All Violations are to be corrected by:		
Issuing Officer:		ID/Badge#:
Printed Name:		
Upon Inspection of the site, the violations listed above have been corrected.		
Inspecting Officer:		Print:
Date:		
Please read reverse side for appeals rights and information		

FILE COPY

Citation Information

A. Compliance Period

If your Administrative Citation includes a compliance period within which you can avoid the fine, **you must take action to avoid the fine.** In order to avoid the fine, you must:

- Make all corrections as outlined.
- Have the work inspected and signed off by the Code Enforcement Division of the City of Rialto. In order to schedule an inspection for the following work day, you are required to call (909) 820-2636 for next day inspection. You may also appear at the Code Enforcement Offices (246 S. Willow Avenue) and request an inspection for the following work day.

B. Collection of Fines

Each violation of the Code constitutes a nuisance and the collection of any unpaid fines or nuisance abatement cost may be enforced as an assessment or lien against the real property where the code violation occurred. Unpaid assessments can result in the property being sold after three years by The County Tax Collector. Payments are to be made by check, money order or credit card at the City of Rialto Finance Department located at 150 S. Palm Rialto CA 92376. **Please Do Not Send Cash.** Checks may be mailed to this same address and please include a copy of the citation along with your payment.

C. Administrative Hearings

Any person to whom a citation has been issued may contest the citation and the proposed fine or fines by filing a written request for an administrative hearing. To request a hearing, the cite shall sign and file this request form **ALONG WITH A CHECK OR MONEY ORDER IN THE AMOUNT OF THE FINE OR PROOF OF CREDIT CARD PAYMENT WITHIN FIFTEEN (15) DAYS OF THE DATE THAT THE CITATION WAS ISSUED.** If the hearing officer finds in the citee's favor, the fine amount will be returned within 30 days. The only reasons that an appeal will be heard are listed below. **You may not raise any issue or defense at the hearing that is not included on this request form.**

Failure to appear at the administrative hearing shall constitute a waiver of your right to a hearing on the citation and any defenses to the citation that you may have.

All hearings will take place at: City of Rialto - Code Enforcement Building located at 246 S. Willow Avenue Rialto, CA 92376.

D. Hearing request

To request a hearing, please complete the following information with the check, money order or proof of credit card payment and mail to: City of Rialto, Code Enforcement Division 150 S. Palm Avenue Rialto, CA 92376.

Reason for request for hearing (Check all that apply)

- ☐ Do not own, posses or control property where violation exist (Except for non-property related violations)
- ☐ Not responsible for the violation(s) listed
- ☐ Violation described does not exist
- ☐ Proving the violation has been corrected within the period of time described in the citation or such further period granted (If applicable)

Signature: _____	Date: _____
Print Name: _____	

Should a vehicle be allowed to park on grass or other non-paved surfaces in the front yard?

- Parking is not allowed on any surface other than paved. Rialto and other cities enforce this code by issuing Courtesy Notices, Notice of Violation, Administrative Citations, or the issuing a parking ticket.
- Options are allowing vehicles to park on lawns and dirt.
- Allow vehicles to park on lawn only during street sweeping days.
- Provide short term follow-up for this violation.

Parked on lawn and dirt.



Should front yards have stringent or lenient curb appeal?

- Violations for curb appeal or property standards can vary at each location. Rialto along with other cities continue to use both stringent and lenient enforcement.
- Allowing residents who contact the Code Officers to ask for extensions or provide a plan of action will be handled leniently.
- If a notice is issued to a property and communication is not made, the Code Officer will move forward with a case.

- Options for a more stringent approach would include starting with Notice of Violation instead of a Courtesy Notice.
- For a more lenient approach you can give multiple notices for the same violation.

Violation may need to be stringent.



Violation to be more lenient.





Should Code Enforcement only cite the property with the violation (based on complaint received) or cite every property on the same block with similar and/or other curb appeal violation(s)?

- The intention is always to be fair, other properties of higher priority may need to be addressed in a timely manner. For Example, a Code Officer has a high volume of cases for the day, or they have an appointment with a resident, leaving the area may take precedent. It is up to the Officer to determine the timeline for addressing neighboring property violations.
- Options are to schedule days to do sweeps on certain violations in neighborhoods.
- Stop and address each property for the same violation.

Should the City again enforce prohibiting brown yards, weeds, dirt, etc. in the front yard since the draught has ended?

- As of now Code Enforcement Officers are not issuing notices to provide new landscaping. A drought measure from the state has not been established to reverse the policy. However, we are still enforcing poorly maintained lawns to prevent weeds and remove dead or overgrown vegetation.
- Some cities have lifted the ban based on their local watering regulations. The policy was changed by the vote of their city Council.

- The city of Rialto is currently in the Stage 2 water alert. This allows water usage for landscaping four days a week between 8pm and 6am for 10 minutes per station. The alert asks residents to stop watering for 48 hours of measurable rainfall. City council can change the policy to effectively enforce new landscaping in front yards. There are many ways a property can be brought into compliance regarding landscaping. Some options include seeding, sod, desert landscape, and artificial turf with a percentage of live plant materials.

Removal of dirt and weeds, installation of drought tolerant landscaping.



Should parties making complaints remain anonymous?

- Most anonymous complaints are just quick calls to give Code Officers information on keeping up the neighborhood. It ensures the stoppage of retaliation by the property owner in violation. In some cases, the complaints are on neighbors who they have known for years. The city also provides Complaint forms that residents can fill out. It allows them to put their name, phone number, email, and the complaint.
- Continue to accept anonymous complaints.
- No longer accept complaints without name, phone number or email.



**CITY OF RIALTO
CODE ENFORCEMENT
150 S. Palm Ave., Rialto CA 92376
(909) 820-2636**

NUISANCE COMPLAINT FORM

Reporting Complaints

If you would like to register a complaint about a property, please provide the following information:

- Specific property address. Please include if street is a North, South, East or West.
- Please indicate if the problem can be seen from a public right-of-way, such as a street or sidewalk (Code officers are **NOT** permitted to walk onto a secured private property to view a violation, **OR** look over fences).
- If the problem cannot be seen from the public right-of-way, please indicate if the code officer can enter onto your property to see the problem (a signed consent form will be needed – and the anonymity no longer applies).
- If you would like to be contacted by the code officer, please give us your name and telephone number to reach you.

Date: _____

Property Address of Violation: _____
(Please provide full street name, including if North, South, East or West)

Can the problem be seen from public right-of-ways (without looking over fences)? ☐ Yes ☐ No

Can the officer enter onto your property to view the problem (with a signed consent form)? ☐ Yes ☐ No

Type of problem or violation:

- | | |
|---|---|
| <input type="checkbox"/> Inoperable / dismantled vehicles <u>on property</u> .
(Police handles vehicles <u>on street</u>) | <input type="checkbox"/> Un-maintained yards (overgrown grass/vegetation). |
| <input type="checkbox"/> Discarded junk, trash, debris. | <input type="checkbox"/> Discarded furniture/appliances. |
| <input type="checkbox"/> Garbage containers left on street. | <input type="checkbox"/> <u>Unsecured</u> green pools (vacant / hazardous). |
| <input type="checkbox"/> Building in disrepair (paint / broken windows / roof damage, etc.). | <input type="checkbox"/> Abandoned / vacant <u>unsecured</u> building. |
| <input type="checkbox"/> Other (please explain): _____ | |

Reporting Person Contact Information:

Name: _____ Phone number: _____

Would you like to be contacted regarding this complaint? ☐ Yes ☐ No

Is this an existing code case? ☐ Yes ☐ No If yes, code case no.: _____

QUESTIONS??