

ORDINANCE NO. 2004-508

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VILLA PARK AMENDING
ARTICLE I-8 TO THE VILLA PARK MUNICIPAL
CODE AS TO COLLECTION OF ADMINISTRATIVE FINES**

THE CITY COUNCIL OF THE CITY OF VILLA PARK HEREBY ORDAINS AS
FOLLOWS:

SECTION 1: Section 1-8.11 of the Villa Park Municipal Code is hereby amended by deleting subsection e.

SECTION 2: Section 1-8.12 of the Villa Park Municipal Code is hereby amended in its entirety to read as follows:

Sec. 1-8.12. Collection of Unpaid Fines.

a. The city at its discretion may pursue any and all legal and equitable remedies for the collection of unpaid fines and penalties and the further abatement or enforcement of any violation of this code. Pursuit of one remedy does not preclude the pursuit of any other remedies until the total fines and penalties owed by a person under this Article have been collected.

b. Any violation of this Article shall constitute a nuisance. To compel code compliance, the city may seek to abate the nuisance and collect the costs incurred by means of a nuisance abatement lien and/or special assessment against the property where the violation occurred. Any unpaid delinquent civil fines and penalties may be recovered as part of any such lien or special assessment against the property of the responsible party where the violation occurred pursuant to Government Code Sections 38773.1 and 38773.5.

c. To pursue an abatement of a code violation as a nuisance and recover the costs, including any delinquent civil fines and penalties, as an abatement lien, the city manager may at his or her discretion request the county recorder to record notice of the lien and take any other necessary action to enforce collection of this lien.

d. To pursue an abatement of a code violation as a nuisance and recover the costs as a special assessment, including any delinquent civil fines and penalties, the city manager may at his or her discretion send to the county tax collector a notice of the abatement costs and/or delinquent fines and penalties, requesting that these sums be collected as an assessment against the responsible party's property where the violation occurred. The city manager may also take any other steps necessary to enforce collection of this assessment, including the recording of a notice of assessment against the property involved. The assessment shall be

imposed on the date the citation is issued to the responsible party and becomes effective upon the recording of a notice of assessment by the county recorder.

e. The city manager may utilize the procedures of this section to collect delinquent civil fines and penalties by means of an abatement lien and/or special assessment provided the amount of the delinquent fines and penalties totals two hundred fifty dollars or more and has been delinquent for sixty days or more. The city manager may pursue these remedies whether or not the city is pursuing any other action to terminate an ongoing code violation that was the basis for the fine.

f. A responsible party may contest the amount and/or validity of any lien or assessment for a civil fine at any administrative hearing he or she requests concerning the violation. Pursuit of such an objection by a responsible party is necessary to exhaust the administrative remedies concerning a legal challenge to the validity of any such lien or assessment.

SECTION 3. Section 1-8.13 of the Villa Park Municipal Code is hereby added to read as follows:

Sec. 1-8.13. Severability.

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applicable of this Article which can be given effect without the invalid provision or application, and to this end, the provisions of this Article are hereby declared to be severable.

PASSED AND ADOPTED by the City Council of the City of Villa Park at a regular meeting held on the day of , 2004.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

George Rodericks, City Clerk
City of Villa Park

STATE OF CALIFORNIA)
) §
COUNTY OF ORANGE)

I, GEORGE J. RODERICKS, City Clerk of the City of Villa Park DO HEREBY CERTIFY that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Villa Park held on the day of , 2004, and was carried by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

George J. Rodericks , City Clerk
City of Villa Park