

ORDINANCE No. 1053

AN ORDINANCE OF THE CITY OF SEASIDE

ADDING SECTION 17.52.251 ENTITLED, "SHORT-TERM RENTAL" TO THE SEASIDE MUNICIPAL CODE

FINDINGS

1. There has been an increase in privately-owned residential dwellings being used as short-term rentals in the City of Seaside. Online host sites such as Vacation Rentals by Owner (VRBO), Airbnb and others have become an increasingly popular means to market homes available for transient use,
2. Short-term rentals provide a benefit to the City by expanding the number and type of lodging facilities and will provide increased transient occupancy tax (TOT) revenue to the City.
3. Unregulated short-term rentals introduce the possibility for adverse consequences including a reduction in affordable housing and the commercialization of residential neighborhoods.
4. This Ordinance can ensure neighborhood compatibility, facilitate economic growth within the City and protect the health, safety, and welfare of the City's residents.
5. On September 21, 2017 and October 19, 2017, the City Council held special study sessions to discuss concerns regarding the use of residential dwellings as a short-term rental, and whether to pursue an Ordinance regulating this type of land use. A transient use subject to the collection of a transient occupancy tax (TOT) would be rental from one day to no longer than thirty days. Other discussion points were economic impacts, neighborhood compatibility, noise, safety, cultural enrichment and affordable housing.
6. The Planning Commission reviewed this Ordinance on February 14, 2018 and recommends the Council adopt it.
7. The City prepared an Initial Study and Mitigated Negative Declaration to review the Ordinance pursuant to the California Environmental Quality Act (CEQA), and this Ordinance has been mitigated to a point where the proposed project will not have the potential to significantly degrade the environment; will have no significant impact on the long-term environmental goals; will have no significant cumulative effect upon the environment; and will not cause substantial adverse effects on human beings, either directly or indirectly.
8. The proposed Ordinance is consistent with the City's General Plan and the practice of short-term rentals does not constitute a change in the residential land use element as described in the Seaside General Plan.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEASIDE:

SECTION 1. The foregoing factual recitals are adopted as findings of the City Council.

SECTION 2. A new Municipal Code Section 17.52.251 entitled, "Short-Term Rental" is added by the addition of all text shown as follows:

17.52.251.A Definitions. For the purpose of this Section certain terms used herein have the meanings set forth in this chapter, and such meaning shall prevail in case of conflict with the definitions set forth in SMC.

- (1) "Person" means an individual or a group of individuals, association, firm, partnership, entity, public or corporation or other private.
- (2) "Owner" means the person who possesses fee title to a transient use site.
- (3) "Owner representative" means any person authorized by the owner to fully manage the transient use site.
- (4) "Local Contact Person" shall be the person designated by the owner or the owner's authorized representative who shall be available twenty-four hours per day, seven days per week for the purpose of responding within sixty minutes to complaints related to the short-term rental and taking remedial action to resolve such complaints.
- (5) "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.
- (6) "Residential property" means any dwelling unit, except those dwelling units lawfully established as second units established pursuant to Chapter 17.12 of the SMC or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.
- (7) "Hosted short-term rental" means a dwelling unit where the owner with the majority interest in the residential property, or an owner holding an equal shared interest if no other owner owns a greater interest, occupies a dwelling unit as his or her principal residence and offers the dwelling or a habitable portion thereof for transient occupancy by others, and is present during the occupancy of the "Hosted short-term rental".
- (8) "Non-hosted short-term rental" means a dwelling unit that is offered for transient occupancy where the owner or shared ownership interest does not occupy the dwelling offered for transient occupancy as his or her principal residence.
- (9) "Guest" means the overnight occupant(s) renting the short-term rental for a specified period of one day and no longer than thirty days and the visitors of the overnight occupants.
- (10) "Good Neighbor Brochure" means a brochure, available from the City, to be given to guests, which includes a summary of the City's regulations relating to short-term rentals.
- (11) "Transient" means a period of not less than one (1) day and one (1) night nor more than thirty (30) consecutive calendar days.
- (12) "Responsible tenant/guest" means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site,

and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site, including, but not limited to, all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental.

(13) "Transient use of residential property" means the commercial use by any person of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days.

(14) "Transient use site" and "transient use" mean property occupied and used for transient or short-term rental purposes.

(15) "Use" means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

Transient use of residential property for remuneration is prohibited except (1) as otherwise expressly licensed by this title, or (2) when such use is licensed by a transient use License issued in accord with SMC Section 17.52.252.

(b) **Liability and Enforcement.**

(1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager or otherwise who uses, arranges, or negotiates for the use of, or allows the use of residential property in violation of the provisions of this chapter is guilty of an infraction subject to an administrative citation for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(2) Violations of this Ordinance shall be treated as a public nuisance and strict liability offense regardless of intent.

(3) A violation of any provision of this Ordinance by any of the guests, owners or operators shall constitute grounds to suspend or revoke a short-term rental license.

SECTION 3. A new SMC Section 17.52.252 entitled, "Short-Term Rental License", is added as follows:

17.52.252.A Statement of Purpose.

The purpose of this chapter is to establish a licensing process, together with appropriate standards that regulate short-term rental of single-family and multi-family dwellings in residential districts, to minimize negative secondary effects of short-term rental use on surrounding neighborhoods; and to preserve the character of neighborhoods in which any such use occurs. This chapter addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

This chapter shall not provide any property owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.

The City Council finds adoption of a comprehensive code to regulate issuance of, and conditions attached to, short-term rental is necessary to protect the public health, safety and welfare. The purposes of this chapter are to provide a licensing system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods.

The City Council finds the regulation of short-term rental uses, including its non-transferability provisions, to be a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.52.252.B Definitions.

(a) The terms "personal", "owner", "owner representative", "local contact person", "remuneration", "residential property", "hosted short-term rental", "non-hosted short-term rental", "guest", "Good Neighbor Brochure", "transient", "responsible tenant/guest", "transient use of residential property", "transient use site", "transient use", "use", as used in this chapter are given the same definition as those definitions set forth in SMC Section 17.52.251.

17.52.252.C Allowed Use.

(a) Transient use of residential property for remuneration is allowed pursuant to SMC Section 17.52.251 or this chapter; provided that a separate Short-Term Rental License has first been granted and validly maintained for each transient use site.

(b) Each transient use must meet all the requirements of this Section. Short-Term Rental Licenses are issued for a one (1) year term. No guarantee is given or implied that Short-Term Rental License will be extended or renewed for a term subsequent to its expiration.

(c) For the purposes of this Section the City recognizes and sets discrete requirements for each of two different classes of Short-Term Rental Licenses. These are Hosted Short-Term Rental and Non-Hosted Short-Term Rental.

(d) Each contract or tenancy that allows transient use shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed of, and has agreed to abide by, occupancy, parking and other limits that apply to that transient use.

(e) For each initial Short-Term Rental License, and each license renewal, the applicant and each property owner shall submit an inspection report that provides and verifies information, in the form and manner required by the City and the Chief Building Official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common area, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building Licenses.

(f) The owner or owner representative shall cause notice of the application or any license renewal, and of any hearing on the application or renewal, to be posted and mailed to notify neighbors within 100 feet of the short-term rental licensed site. The notice shall include a statement of the maximum number of guests licensed to stay in the short-term rental.

17.52.252.D Short-Term Rental License Caps

All short term rentals found to be in existence prior to April 10, 2018 are hereby approved for the period of one (1) year from the effective date of this ordinance.

In years 2019 and beyond the City Council may establish the maximum allowable number of hosted and non-hosted short-term rental licensees annually by Resolution at the second regularly scheduled City Council meeting in July, and in doing so, will project forward the maximum allowable number of non-hosted short-term rental licenses for a period not to exceed three (3) years.

17.52.252.E Limits on Transient Use.

Transient use of residential property for remuneration allowed by SMC Section 17.52.251 or this Section shall be subject to each and every limitation in this Section:

(a) Each contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone number and e-mail contact information of:

- (1) the owner;
- (2) the owner representative; and
- (3) at least one responsible tenant occupying the transient site who shall be responsible for all limits required by this section.

(b) Each non-hosted contract or tenancy shall identify the name, address, phone number and e-mail contact information of at least one responsible tenant who has been informed by the owner or owner representative of the occupancy, parking and other limits that apply to transient use by this Section and shall be informed of residential parking and noise limits, including but not limited to SMC Section 9.12, the City codes that regulate unlawful noises.

(c) Trash and refuse shall not be left stored within public view, except in proper containers for purpose of collection by the City's authorized waste hauler.

(d) A short-term rental shall not change the residential character of the outside appearance of the residence including color, material, lighting or any advertising mechanism, including "vacation rental" signs.

(e) Guests of the short-term rental shall comply with City of Seaside Municipal Code Chapter 9.12 regulating noise, including quiet hours between the hours of 10:00 p.m. and 7:00 a.m.

(f) The owner or owner representative for all non-hosted short-term rentals shall post the in a prominent location within the short-term rental

(a) owner or owner representative name and telephone number

(b) local contact person name and telephone number;

(c) telephone number for Department and Seaside Code Enforcement; the Seaside Police

(d) the maximum number of parking spaces available onsite;

(e) trash pick-up day and applicable rules and regulations;

(f) a copy of City of Seaside Noise Regulations;

(g) a copy of the Good Neighbor Brochure; and

(h) Notification that a guest, local contact person, responsible person or owner may be cited and/or fined by the City in accordance with this Ordinance.

(g) The transient use site:

(1) shall be used and maintained in a manner consistent with the character of the neighborhood;

(2) shall not impair the desirability of investment or occupation of the surrounding neighborhood; and

(3) shall not have displayed thereon any sign that indicates the property is used or available for transient or short-term rental purposes.

(h) Owner and Owner representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the transient use site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.

(i) Local contact person shall be on-call full-time (24 hours per day, 7 days per week) to manage the property and shall be able to be physically present at the transient use site within sixty (60) minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted the owner, owner representative or local contact person shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two (2) or more complaints regarding guest violations is grounds for penalties as set forth in this chapter. The owner, owner representative or local contact person shall be subject to all administrative, legal and equitable remedies available to the City for failing to respond within sixty (60) minutes of request.

(j) The maximum number of occupants aged 18 or older authorized to stay overnight at any transient use site shall be determined by the City Building Official.

(k) Each designated on-site parking space at a non-hosted transient use site shall be made available for use by overnight occupants of that site and any on-site driveway must be available for the use of the guests of the site.

(1) Amplified sound that is audible beyond the property boundaries of the transient use site is prohibited.

(m) Commercial functions, and other similar events are prohibited at the transient use site.

17.52.252.F Short-Term Rental License.

It is unlawful for any person to transact and carry on any business relating to or supporting the transient use of residential property in the City without first having procured a Short-Term Rental License from the City, and paying the license fee and any other fees associated with approval of an application for a license, hereinafter prescribed, and also without complying with any and all applicable provisions of this Section. A short-term rental license, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

17.52.252.G Display of Short-Term Rental License.

The owner or owner representative shall cause a copy of the transient use license to be displayed in a prominent location within the interior of the transient use site, and shall provide a copy to each responsible tenant. Each internet or online advertisement, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a transient use site is available for transient or short-term rental purposes shall prominently display thereon the transient use License number assigned to that site by the City of Seaside.

17.52.252.H Separate Properties.

A separate short-term rental License shall be obtained for each separate transient use site. A single short-term rental License may be issued for multiple residential dwelling units under identical ownership at a single site. In all other circumstances, a separate License shall be required for each transient use site. A transient use License shall authorize the licensed owner to transact and carry on transient use of residential property only at the location and in the manner and subject to the limits designated in such License.

17.52.252.I Contents of License.

Every person required to have a License under the provisions of this Section shall make application to the City and tender payment of the prescribed application and License fee. Thereafter in accord with the provisions of this Section the City shall issue to such person a License which shall contain the following information:

- (a) the name and contact information of the owner to whom the license is issued, and the name and contact information for the owner representative, if any;
- (b) the transient use site to be licensed, and whether the license is for a hosted short-term rental or a non-hosted short-term rental;
- (c) the date of expiration of such license;

- (d) the maximum number of occupants aged 18 or older who are authorized to stay overnight at that transient use site determined by the City Building Official;
- (e) the maximum number of motor vehicles allowed for use by overnight guests at that non-hosted transient use site based upon the available on-site parking as shown on the application site plan; and
- (f) such other administrative information as may be necessary for the enforcement of the provisions of this Section.

17.52.252.J Application - First License.

Each short-term rental License shall be in the name of the owner of the real property upon which the short-term rental use is to be licensed and shall be valid until June 30, 2019. When a person first makes an application for a license pursuant to this section, such person shall furnish to the City a sworn Affidavit upon a form provided by the City setting forth the following information:

- (a) the address of the transient use site to which the license shall apply, and all places of residence of the owner(s) of the transient use site;
 - (1) In the event an application is made for issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business;
 - (2) In the event an application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof.
- (b) Each application shall set forth such information as may be therein required by the City and deemed necessary to estimate the annual transient occupancy tax to be charged for that property;
- (c) the owner and applicant shall maintain a City business license at all times, and shall agree to collect and remit transient occupancy taxes on all gross receipts pertaining to the transient use site;
- (d) each application shall identify the name, address, phone number and e-mail contact information of the owner and the owner representative;
- (e) each application for a non-hosted license shall include a site plan and floor plan which labels each room and the structures of the property, including the number of square footage of bedrooms and the number of off-street parking spaces;
- (f) the owner shall affirm that smoke detectors are installed on all levels in all sleeping quarters and common areas, and that fire extinguishers are accessible to protect the health and safety of the guests of the transient use site, and the applicant shall provide access and information to the fire inspector as needed to ensure health and safety for occupants of the transient use site; and
- (g) such further information which the City may require to enable proper administration of the license.

The applicant shall remit all required annual fees in accord with the master fee schedule set by City Council Resolution. The applicant shall agree to renew and/or amend the license in accord with the requirements of this Section, and if there is a change in any material fact stated in the application.

17.52.252.K Renewal of License.

(a) In all cases, the applicant for the renewal of a license shall submit to the City on or before July 1, 2018 an application for renewal containing a sworn Affidavit upon a form to be provided by the City setting forth such information concerning the applicant's transient occupancy activity during the preceding calendar year as may be required by the City to enable the City to verify the amount of the transient occupancy tax paid by said applicant pursuant to the provisions of this Section.

(b) The applicant shall remit the annual license fee as set by Resolution at the same time as the renewal application. The applicant shall submit an annual sworn Affidavit affirming that smoke detectors are installed and maintained on all levels in all sleeping quarters and common areas and that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The applicant shall provide access and information to the inspector as may be needed to ensure health and safety for guests of the transient use site, in order to verify adequate egress from sleeping quarters and common area, and installation of accessible fire extinguishers, and a carbon monoxide alarm on each level.

17.52.252.L Change to license information.

(a) A request to amend any information provided on the license issued pursuant to this Section shall be made within fourteen (14) days of any change of owner, a change of the owner representative, a change in any material fact upon which the License was issued, or if any other person acquires an ownership interest in the transient use site.

(b) In the event that the transient use site ownership transfers to an immediate family member by means of a gift or testamentary transfer the new owner of the property shall also acquire ownership of the existing short-term rental license until its expiration without paying additional fees. The new property title owner shall, within fourteen (14) days of transfer of ownership of the transient rental site, update the information provided on the license issued.

17.52.252.M Evidence of transient occupancy of residential property.

When any owner, owner representative or other person makes use of internet services, signs, circulars, cards, telephone books, or newspapers and/or advertises, holds out, or represents that he or she allows transient occupancy of residential property in the City, and such person fails to provide a sworn Affidavit to the City that he or she does not allow transient occupancy of residential property in the City after being requested to do so, by the City, then such information shall be considered prima facie evidence that he or she is conducting a business in the City by allowing transient occupancy of residential property. Until proper evidence to the contrary is

presented to the City, the City shall be entitled to presume that residential property is subject to the license required by this Section, and/or that the transient use of residential property has occurred at the subject property.

17.52.252.N Statement and records.

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the City from collecting by appropriate action taxes and/or fees that are due and payable hereunder. In the event that the City deems it necessary, the City may require that an already licensed owner, or applicant for a License, submit verification of financial information necessary to calculate the transient occupancy tax due, or at the option of the already licensed owner or applicant, may authorize the City to examine records or business transactions to compute the transient occupancy tax that is owed. In addition an owner or applicant is required to furnish proof an affidavit that the subject property was used as a short term rental 12 months prior to April 10, 2018.

17.52.252.O Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City the licensed owner or applicant fails to file a corrected statement, or if any person subject to the tax imposed by this Section fails to apply for a license, the City may determine the amount of tax due from such person by means of such information as City may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in SMC Section 3.24.

17.52.252.P Transient Occupancy Tax

The owner or owner representative shall comply with all the requirements of SMC Chapter 3.24 "Transient Occupancy Tax". For the purposes of SMC Chapter 3.24.010, a short-term rental shall qualify as a "hotel". The City Manager or designee shall be responsible for the enforcement of the provisions of Chapter 3.24.

Transient Occupancy Tax collected for short-term rentals shall be set aside in a separate fund account.

17.52.252.Q Appeal of Tax

Any person aggrieved by any decision of the City with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to the administrative enforcement hearing office panel by filing a notice of appeal with the City Clerk within fifteen (15) calendar days after receipt of written notice from the City. The hearing officer assigned by the panel shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Seaside, California, postage prepaid, addressed to such person at his or her last known address. The hearing office shall have authority to determine all questions raised by

such appeal, provided, however, that no such determination shall conflict with any substantive provision of this Chapter.

17.52.252.S Additional Power of City.

In addition to all other power conferred upon the City, the property owner/applicant shall have the power, for good cause shown:

- (a) to extend the time for filing any required sworn Affidavit or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued; and
- (b) Whenever any fee, tax or penalty pursuant to this Section is due and payable but has not been satisfied in full within ninety (90) days and/or has not been successfully by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in the SMC.

17.52.252.T License Non-transferrable - Changed Location.

No license issued pursuant to this Section shall be transferable to any other person or location, except as notes in section 17.52.252.2 (B).

17.52.252.U License Denial or Revocation.

Any application for a license may be denied, and any License issued pursuant to this Section may be revoked. Substantial evidence shall be presented as to why the application should be denied, or the license should be revoked for any reasons, including but not limited to:

- (a) a false material statement or misrepresentation has been made in, or in support of, the application;
- (b) a change occurs in any material fact upon which the License was issued that has not been reported to the City as a change to the required license content within fourteen (14) days;
- (c) the transient use site, or any other location owned by the owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the twelve (12) months immediately preceding;
- (d) the owner, owner representative or applicant has been convicted of any crime involving moral turpitude;
- (e) the owner, owner representative or applicant has failed to timely respond to two (2) or more complaints within the twelve (12) months immediately preceding; and
- (f) the owner, applicant, guest or any occupant of a transient use site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.

17.52.252.V Appeal of Revocation or Suspension.

Any person who has been denied a License or to whom notice of revocation of suspension of a License has been mailed may appeal to the administrative enforcement hearing panel under SMC Section 2.58, pursuant to a request for hearing under SMC Section

2.58. Notice of the proceeding shall conform to SMC Section 2.58.080, and the hearing shall conform to the process set in SMC Section 2.58.090. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Section. Any applicant or License holder whose License shall have been denied or revoked shall be ineligible for a two (2) year period from applying for a new License. No person whose License has been revoked shall continue to engage in, or carry on, the activity for which the License was granted unless and until such License has been reinstated or reissued. The decision of the hearing officer shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to SMC Section 2.58.180.

17.52.252.W Penalties.

Penalties as set forth in SMC Section 17.80.050 may be imposed for failure to comply with the provisions of SMC Section or this Section, with respect to:

(a) Any owner, owner representative, or person who transacts or carries on any activity relating to or supporting the transient use of residential property in the City without first having procured and complied with a transient use License from the City to do so, and paying all applicable license fees shall be subject to administrative penalties as set forth in SMC Section 17.80.050.A, including administrative penalties imposed by a hearing officer for violation of any provisions of this Code in an amount not to exceed a maximum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a transient use License, whichever amount is greater.

(b) Any owner, owner representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been licensed to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two (2) or more complaints, shall be subject to administrative penalties;

(c) Any owner, owner representative, responsible tenant or person who allows a transient use site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints;

(d) Any owner, owner representative, responsible tenant or person who allows impermissible or inappropriate behavior at the transient use site or action that exceed the limits on transient use following two (2) or more complaints;

(e) Limits upon administrative penalties in the SMC Section shall not apply to any violation of this Section.

17.52.252.V Liens.

Whenever the amount of any penalty, forfeiture, and/or administrative cost imposed by a hearing officer pursuant to this Section or to SMC Section has not been satisfied in full within ninety (90) days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in SMC.

PASSED AND ADOPTED at a regular City Council meeting duly held on the 5th day of July, 2018 by the following vote:

AYES: 5 COUNCIL MEMBERS
NOES: 0 COUNCIL MEMBERS
ABSENT: 0 COUNCIL MEMBERS
ABSTAIN: 0 COUNCIL MEMBERS

Alexander, Campbell, Jones, Pacheco, Rubio
None
None
None

ATTEST:


Lesley Milton-Rerig, City Clerk

APPROVED:


Ralph Rubio, Mayor