

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 1.10.030, “CORRECTION
NOTICE AND ADMINISTRATIVE CITATION
ISSUANCE PROCEDURES,” AND 1.10.150,
“ADMINISTRATIVE FEE; SATISFACTION OF
LIEN” OF THE MERCED MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 1.10.130,
“Correction Notice and Administrative Citation Issuance Procedures,” of the
Merced Municipal Code is hereby amended to read as follows:

**“1.10.030 Correction Notice and Administrative
Citation Issuance Procedures.**

A. A Correction Notice may be issued to the
Responsible Party as a warning the first time a violation
of this Code occurs. If the violation is not corrected by
the compliance date, an Administrative Citation shall be
issued for the violation(s).

B. Before issuing an Administrative Citation for any
violation of a building, plumbing, electrical, or similar
structural or zoning matters that do not create an
immediate danger to health or safety, the Enforcement
Officer must first issue a written Correction Notice to the
Responsible Party for the violation. A reasonable time,
not less than ten (10) days, shall be provided to remedy
or correct the violation prior to the issuance of an
Administration Citation and imposition of fines or
penalties. In determining what is a reasonable time, the
Enforcement Officer may consider the estimate of local
professionals, including licensed contractors.

C. When a Correction Notice or Administrative Citation is issued, service will be effected as follows:

1. The Enforcement Officer shall attempt to locate and personally serve the Responsible Party and obtain the signature of the Responsible Party on the Correction Notice or Administrative Citation.
2. If the Responsible Party served refuses or fails to sign the Correction Notice or Administrative Citation, the failure or refusal to sign shall not affect the validity of the Correction Notice or Administrative Citation or of subsequent proceedings.
3. If the Enforcement Officer is unable to locate the Responsible Party, the Correction Notice or Administrative Citation shall be mailed to the Responsible Party by regular mail and by certified mail, postage prepaid, return receipt requested, to the address shown on the last equalized assessment roll available or as known to the Enforcement Officer.
4. If the Enforcement Officer does not succeed in serving the Responsible Party personally, or if certified mail and/or regular mail are unsuccessful, the Enforcement Officer shall post the Correction Notice or Administrative Citation on any real property within the City where the City has knowledge that the Responsible Party has a legal interest, and such posting shall be deemed effective service.

D. Service of a Correction Notice or an Administrative Citation which is personally served shall be deemed complete at the time of such personal service.

Service of a Correction Notice or an Administrative Citation which is served by regular mail shall be deemed complete on the date the Correction Notice or Administrative Citation is deposited in the mail.”

SECTION 2. AMENDMENT TO CODE. Section 1.10.150, “Administrative Fee; Satisfaction of Lien,” of the Merced Municipal Code is hereby amended to read as follows:

“1.10.150 Administrative Fee; Satisfaction of Lien.

- A. Each Responsible Party against whose property an assessment is levied pursuant to this Chapter shall also be assessed an administrative fee based on the costs incurred in levying the assessment. The administrative fee shall be included in the lien amount and recorded against the Responsible Party’s property.
- B. Once the City receives full payment for outstanding principal, penalties, and costs, the Finance Officer, or designee, will provide the Responsible Party or financial institution with a release of lien for recordation by the County Recorder of the County of Merced. This notice of satisfaction will cancel the City’s lien.
- C. Prospective purchasers of real property encumbered by a lien resulting from any violation of this Code shall be subject to certain covenants, conditions, and restrictions to facilitate the transfer of real property and remedy the existence of any outstanding violations and satisfaction of any costs thereof”

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2024, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2024, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

**APPROVED:
MATTHEW SERRATTO, MAYOR**

Mayor

**ATTEST:
D. SCOTT MCBRIDE, CITY CLERK**

**BY: _____
Assistant/Deputy City Clerk**

(SEAL)

**APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY**

Craig Cornwell *5/16/2024*

City Attorney Date