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February 18, 2025

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County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

February 12, 2025

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 Susanville, CA 96130-3912
Main Phone: 530 251-8269
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Zoning and Building
 Inspection Requests
 Phone: 530 257-5263

TO: Board of Supervisors
 Agenda Date: February 18, 2025

FROM: Maurice L. Anderson, Director 

SUBJECT: Proposed ordinance adding Chapter 1.20 to the Lassen County Code pertaining to an Administrative Citation Program. (File 323.03).

ACTION REQUESTED:

1. Receive Report; and
2. Find that introduction of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and 15321 (Enforcement Actions by Regulatory Agencies); and
3. Introduce and waive the first reading; or
4. Provide direction to staff

Summary:

The Code Enforcement Division of the Lassen County Department of Planning and Building Services Department is proposing an ordinance to make improvements to the Lassen County code enforcement protocol. In summary, the proposed ordinance would do the following:

- Add Chapter 1.20 (Administrative Citations). The proposed chapter reestablishes administrative citation process similar to what was in existence from 2006 (Ord. 566) until 2022 (Ord. 2022-07).

A letter of support from the Lassen County Sheriff is attached.

Discussion:

During the summer of 2022, the Board of Supervisors, at the suggestion of the then Hearing Officer and County Counsel, and the recommendation of the Planning and Building Services

Department, repealed Chapter 1.20 of the Lassen County Code. The reason indicated in the Board packet is that it was suggested that Chapter 1.20 could interfere with the new amendments to the code that were being introduced and added by Ordinance 2022-07. In retrospect, staff and County Counsel do not believe that Chapter 1.20 would interfere with the public nuisance process adopted in Chapter 1.18, as it is a separate process.

To date, the Lassen County Code and other departments of the County of Lassen still reference Chapter 1.20. Examples include Ordinance 2021-04, which codified the noise ordinance into Chapter 9.65 of the Lassen County Code as well as the Office of Recovery & Reimbursement listing that their office accepts Code Enforcement administrative citation payments. Rather than embark on an effort to scrub the code of any mentions of Chapter 1.20, it is being suggested to consider the reintroduction of this process.

Process Overview:

Rather than bringing an action through the civil or criminal process of the superior court, or even through an administrative abatement process, nearly all municipalities and counties within the State of California have adopted this alternative method to bring violations of the various codes into compliance. An administrative citation uses monetary incentives to compel the violator to correct the matter and to abate violations of code and regulations. These citations are outside of the criminal realm and the only penalty is in the form of a civil assessment penalty, or fine.

Administrative Citations are authorized by California Government Code Section 53069.4 (a)(1) which states in part, “the legislative body of a local agency...may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty.” Maximum penalties for Counties are governed by California Government Code Section 25132.

The Government Code further requires the establishment of an appeal process to preserve the right to due process for those that are subject to a citation. The establishment of a Hearing Officer is consistent with the provisions of the Government Code. Furthermore, precedence exists with the Hearing Officer being the final say for the County where the cited person would have to seek the court’s help through judicial review (Government Code Section 53069.4(b)(1)).

Operational Process:

The administrative citation process is not exclusive to any point with an agency’s code enforcement process. This process is an enforcement tool that can be utilized throughout various stages. An abatement case does not have to go through the administrative citation process to be affected and citations may continue to be issued during an abatement case that has not been completed by the local agency. Enforcement official discretion is utilized throughout the process to determine when this enforcement tool will be utilized versus other tools that are at the disposal of the official.

Policy Consideration:

The Government Code, specifically Section 53069.4 (a)(2), requires notice to the violator before issuance of a citation unless the violations are an immediate danger to health or safety. The proposed ordinance allows citations that are an immediate threat to health or safety; thus, the citations can be issued immediately (see Section 1.20.040(h) of the proposed ordinance).

With the issuance of an administrative citation, enforcement actions can be taken while matters do not warrant abatement at that time. This can allow code enforcement to work with the responsible parties to cure the violations before going through with the more expensive abatement. If the administrative citations fail to achieve compliance then further enforcement action, including abatement, may be more effective and warranted than the administrative citation, and the code enforcement official may easily switch to those other options.

California Environmental Quality Act:

The Lassen County Environmental Review Officer (the Director of the Planning and Building Services Department) recommends that the Board of Supervisors find that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 (Actions by Regulatory Agencies for the Protection of the Environment) and 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines:

CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment):

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

CEQA Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies):

Class 21 consists of:

(a) Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

(1) The direct referral of a violation of lease, permit, license, corticate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.

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- (2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.*
- (b) Law enforcement activities by peace officers acting under any law that provides a criminal sanction.*
- (c) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.*

MLA:gfn

Enclosure: Letter of Support from the Lassen County Sheriff
Proposed Ordinance
Government Code Section 53069.4
Government Code Section 25132



LASSEN COUNTY SHERIFF'S OFFICE

1415 Sheriff Cady Lane Susanville, CA 96130

Administration	Dispatch	Civil	Adult Detention Facility
Phone (530) 251-8013 Fax (530) 251-2884	Phone (530) 257-6121 Fax (530) 257-9363	Phone (530) 251-8014 Fax (530) 251-2884	Phone (530) 251-5245 Fax (530) 251-5243

John McGarva
Sheriff - Coroner

January 22, 2025

RECEIVED

JAN 22 2025

Maurice L. Anderson, Director
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

RE: Letter of Support for Administrative Citation Ordinance

Dear Mr. Anderson:

The purpose of this letter is to offer my support for the draft administrative citation ordinance you have prepared. It is my position that this ordinance will help enforce Lassen County Code and applicable State codes. The ordinance would allow issuance of an administrative citation for violation of any County ordinance. The proposed ordinance provides an additional tool to help people gain compliance with established laws and ordinances. By being allowed to use this function, it provides an additional deterrent for non-compliance.

Sincerely,

A handwritten signature in cursive script, appearing to read "John McGarva".

John McGarva
Sheriff-Coroner
Lassen County Sheriff's Office

ORDINANCE NO. _____

Ordinance Adding Chapter 1.20 to Title 1 of the Lassen County
Ordinance Code Relating to Administrative Citations

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2025, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman, Lassen County Board of Supervisors

Attest:
JULIE BUSTAMANTE
Clerk of the Board

By: _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

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**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE
OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Chapter 1.20 is added to Title 1 of the Lassen County Code to read as follows:

Chapter 1.20 Administrative Citations

1.20.010 Title of Chapter and Authority

This chapter shall be known as the “administrative citations ordinance.” It is adopted pursuant to California Government Code Section 53069.4, authorizing local agencies, by ordinance, to make violation of any ordinance of the agency subject to administrative fine or penalty.

1.20.020 Statement of Purpose

- (a) The Board of Supervisors finds that there is a need for an alternative method of enforcement for various violations of the Lassen County Code. The Board of Supervisors also finds that an appropriate method for enforcement of various violations is an Administrative Citation Program that will reduce the burden on the judicial system while providing due process for those cited.
- (b) The procedures established in this chapter are in addition to criminal, civil or other legal remedies that may be available to the County to enforce violations of the Lassen County Code or applicable State Codes.
- (c) The Board of Supervisors finds and determines that enforcement of the provisions of the Lassen County Code and conditions on entitlements or permits are municipal affairs as well as matters of concern to the citizens of Lassen County.
- (d) The Board of Supervisors finds that the adoption and implementation of the Administrative Citation Program is within the power and authority of Lassen County and will achieve the following goals:
 - (1) To promote and protect the public health, safety and welfare of the citizens of Lassen County;
 - (2) To help ensure compliance with Lassen County Code and the State Codes, ordinances and regulations in a more timely and efficient manner;
 - (3) To provide for an administrative process to appeal the imposition of administrative citations and fines that will fully comport with due process and provide those cited with the right to an appeal hearing;

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- (4) To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Lassen County Code, ordinances, agreements or terms and conditions on entitlements in the County of Lassen;
- (5) To reduce the burden on the judicial system.
- (e) Use of this chapter shall be at the sole discretion of the County.

1.20.030 Definitions

“Enforcement Officer” means the Planning and Building Services Director and/or the Lassen County Sheriff or their designees.

“Responsible Person” means any individual who is the owner of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who violates or maintains a violation of the Lassen County Code or state law.

1.20.40 Authority and Fines

- (a) Any person violating any provision of the Lassen County Code, regulation of the county, any condition of approval of a permit or entitlement, any condition of an environmental review, or any term or condition of any agreement with the county made pursuant to the policy power, may be issued an administrative citation by an Enforcement Officer as provided in this chapter. A violation of this Code includes, but is not limited to, all violations of the Lassen County Code, the Model Building Codes adopted by the State of California, the Health and Safety Code, and/or the failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved pursuant to this Code.
- (b) Each and every day a violation of the Lassen County Code exists constitutes a separate and distinct offense. A separate citation may be issued for each day a violation occurs.
- (c) A civil fine shall be assessed by means of an administrative citation issued by the Enforcement Officer and shall be payable directly to the Lassen County Tax Collector/Collection’s Office.
- (d) Fines shall be assessed in the following specified amounts:
 - (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation including ten percent administrative fee;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance or permit within one year from the date of the first violation, including ten percent administrative fee;
 - (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance or permit within one year from the date of the first violation, including ten percent administrative fee.

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- (e) Code Enforcement shall provide a copy of the citation to the Lassen County Tax Collector/Collection's Office within twenty-four (24) hours of the citation being issued. Therefore, the office is aware of the citation when the citee appears to pay the fine.
- (f) Any fine that is not paid within thirty days (30) days from the citation date of the administrative citation is subject to the legal rate of ten (10) percent per annum on the principal amount.
- (g) The fees that are collected shall be deposited into the County's General Fund.
- (h) Administrative Citations issued pursuant to this Chapter shall be for violations that are an immediate danger to health or safety.

1.20.050 Contents of Citation

Each administrative citation shall contain the following information:

- (1) Date, approximate time, and address or definitive description of the location where the violation(s) was observed;
- (2) The Code sections or condition violated and a description of the violation(s);
- (3) The amount of the fine for the violation(s);
- (4) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- (5) Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for a hearing form to contest the administrative citation;
- (6) An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation; and
- (7) The name and signature of the Enforcement Officer.

1.20.060 Service of Administrative Citation and Other Notices

An administrative citation on a form approved by the County Administrative Officer and all notices authorized or required to be given by this chapter shall be deemed served by the Enforcement Officer for violations of the Lassen County Code or applicable State Code when made in the following manner:

- (a) Personal Service: Administrative Citation personally served by the Enforcement Official upon the responsible party.

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- (b) Service of Citation by Mail: If the Enforcement Officer is unable to locate the Responsible Person, the administrative citation shall be mailed to the Responsible Person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation shall be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.
- (c) Service of Citation by Posting: If the Enforcement Officer does not succeed in personally serving the Responsible Person, or by certified mail or regular mail, the Enforcement Officer shall post the administrative citation on the subject property and/or any real property within the County in which the County has reason to believe that the Responsible Person has a legal interest, and such posting shall be deemed effective service.
- (d) Service of a citation or notice by mail in the manner provided for by this section shall be effective on the date of mailing, and the failure of any person to actually receive any citation or notice specified in this chapter shall not affect the validity of the citation or notice or of the proceedings conducted hereunder.

1.20.070 Satisfaction of Administrative Citation

Upon receipt of a citation, the Responsible Person must do the following:

- (1) Pay the fine to the County within thirty (30) days from the citation date. All fines assessed shall be payable to the Lassen County Tax Collector. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the County.
- (2) If the Responsible Person fails to correct the violations(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violations(s) shall increase at a rate specified in this chapter.

1.20.080 Delinquent Fines

The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation shall result in the assessment of an additional late fee in the amount of ten percent (10%) of the total amount of the administrative penalty owed. In addition to the penalties imposed, any recipient of an administrative citation who fails to remit an administrative fine by its due date shall pay interest at the rate of ten percent (10%) per year, or fraction thereof, on the amount of the delinquent administrative fine, exclusive of penalties, from the first day of delinquency until paid.

1.20.090 Appeal of Administrative Citation

Any recipient of an administrative citation may contest that there was a violation of the Lassen County Code or that he or she is the Responsible Person by completing a request for hearing form and returning it to the Lassen County Department of Planning and Building Services within fifteen (15) days from the date of the administrative citation, together with proof of an advanced

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deposit of the fine to the Lassen County Tax Collector or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1.20.110. The recipient must also pay the appeal fee specified in Section 3.18.020. Any administrative citation fine which has been deposited shall be refunded, if after a hearing, it is determined that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

Upon acceptance of a completed administrative citation appeal hearing packet, the enforcement official shall notify the cited person, in writing, of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

1.20.100 Advance Deposit Hardship Waiver

Any person who intends to request a hearing to contest that there was a violation of the code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required by this Section may file a request for an advance deposit hardship waiver.

The request shall be filed with the Lassen County Department of Planning and Buildings Services on an advance deposit hardship waiver application form within fifteen (15) days from the date of the administrative citation.

The requirement of depositing the full amount of the fine with the Lassen County Tax Collector shall be stayed unless or until the Office of the Tax Collector makes a determination not to issue the advance deposit hardship waiver. In the event the determination not to issue the advance deposit hardship waiver is made, the cited person shall remit the deposit to the Tax Collector within ten (10) days of the date of that decision.

1.20.110 Hearing Officer

The County Administrative Officer shall designate the Hearing Officer for the administrative citation hearing. The Hearing Officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits of the Hearing Officer, if any shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the Hearing Officer.

1.20.120 Hearing Procedure

- (1) No hearing to contest an administrative citation before a Hearing Officer shall be held unless and until a request for a hearing form has been completed and submitted and the fine has been deposited in advance or a hardship waiver has been approved.
- (2) A hearing before the Hearing Officer shall be set for a date not less than fifteen (15) and not more than sixty (60) days from the date of the filing of the request for a hearing in accordance with the provisions of this chapter.
- (3) The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the Responsible Person has caused or maintained the

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violation(s) of the Lassen County Code on the date(s) specified in the administrative citation.

- (4) The Responsible Person (as per Section 1.20.030) contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
- (5) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
- (6) The administrative citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- (7) If the Enforcement Officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report shall be served by mail on the person requesting the hearing at least five (5) days prior to the date of the hearing.
- (8) At least ten days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citation(s), reports and other documents submitted or relied upon by the Enforcement Officer. No other discovery is permitted. Formal rules of evidence shall not apply.
- (9) The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision.

1.20.130 Hearing Officer's Decision

- (1) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within ten (10) days of the hearing to uphold or deny the administrative citation and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.
- (2) If the Hearing Officer determines that the administrative citation should be upheld, then the fine amount on deposit with the County shall be retained by the County.
- (3) If the Hearing Officer determines that the administrative citation should be canceled and a fine was deposited with the County, then the County shall promptly refund the amount of the deposited fine.
- (4) The recipient of the administrative citation shall be served with a copy of the Hearing Officer's written decision by first class mail.

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- (5) There shall be no right of appeal to the Board of Supervisors but the responsible person(s) may file an appeal in the Lassen County Superior Court as provided hereunder in Section 1.20.190.

1.20.140 Failure to Comply with Citation

The failure to pay the penalty imposed by the citation and/or the failure to correct the code violation as identified in the citation may result in:

- (a) The referral of the code violation to county counsel or to the district attorney for commencement of civil or criminal proceedings; and/or
- (b) Enforcement of the obligation to pay the administrative penalty and administrative costs as the personal obligation of the violator; and/or
- (c) Recordation of a lien upon real property, provided that the violation is in connection with real property. The lien shall remain in effect until all of the administrative penalties, interest and costs are paid in full.

1.20.150 Procedures for Recordation of Citation

- (a) For any citation that pertains to real property, if (1) the violation continues after the deadline for compliance established in the citation expires, and (2) if no timely request for an administrative hearing has been filed by the responsible person(s) or if the hearing has been held and the citation has been upheld, the enforcement officer shall cause the citation to be recorded with the Lassen County Clerk-Recorder.
- (b) If the enforcement officer does not receive a written request for administrative hearing pursuant to the procedures set forth in this chapter and the violation(s) still remains on the property, the enforcement officer shall record the citation.
- (c) The recorded citation shall include the name of the property owner(s), assessor's parcel number, the parcel's legal description, and a copy of the latest citation.
- (d) The citation, when recorded, shall be deemed to be constructive notice of the violation(s) to all successors in interest in the property, under California Civil Code Sections 1213 and 1215.
- (e) If the property owner or other responsible person corrects the violation(s) after the citation has been recorded, notifies the enforcement officer in writing of the correction, and consents to and cooperates with an inspection to confirm the correction, and if the correction is confirmed by the enforcement officer, the enforcement officer shall cause to be recorded a notice of compliance to release the citation. The property owner or other responsible person shall pay the notice of compliance fee adopted in Section 3.18.090 of County Code.

1.20.160 Lien Procedure

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- (a) Whenever the amount of any penalty imposed has not been paid in full within forty-five days of the final administrative order and/or has not been successfully challenged by a timely writ of mandate and the violation is in connection with real property, the unpaid penalty may constitute a lien against the real property on which the violation occurred.
- (b) The lien provided herein shall have no force and effect until recorded with the Lassen County Recorder's Office. Interest shall accrue on the principal amount of the penalty remaining unsatisfied at the maximum rate permitted by law.
- (c) The enforcement officer shall prepare and record a notice of lien for civil penalty in the Lassen County Recorder's Office.. The notice of lien shall contain the following information:
 - (1) A legal description, street address, assessor's parcel number and other description sufficient to identify the premises affected;
 - (2) A description of the violations of the code on the real property which caused the issuance of a citation;
 - (3) A description of the proceeding under which the penalty was imposed, including the final administrative order of the hearing officer, enforcement officer or court confirming the penalty;
 - (4) The amount of the penalty; and
 - (5) The imposition of lien upon the described real property for the amount of the penalty and accruing interest.

1.20.170 Satisfaction of Lien

Once payment in full for the outstanding penalty is received by the county department whose enforcement officer issued the citation, the department shall record a notice of satisfaction. Such notice of satisfaction shall cancel the county's lien and include the recording information of the original lien.

1.20.180 Right to Judicial Review

Any person aggrieved by a decision of the hearing office on an administrative citation may obtain review of the decision by filing a petition for review with the Lassen County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4(b). Said procedure shall be available for all judicial review under this chapter, notwithstanding that the term or condition being enforced pursuant to this chapter may not be a matter covered by Section 53069.4(a). Judicial review of a citation shall not be available without first participating in a hearing as provided in this chapter.

SECTION THREE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby

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declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

State of California

GOVERNMENT CODE

Section 53069.4

53069.4. (a) (1) The legislative body of a local agency, as the term “local agency” is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties. Where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in Section 25132 and subdivision (b) of Section 36900.

(2) (A) The administrative procedures set forth by ordinance adopted by the local agency pursuant to this subdivision shall provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety.

(B) Notwithstanding subparagraph (A), the ordinance adopted by the local agency pursuant to this subdivision may declare commercial cannabis activity undertaken without a license as required by Division 10 (commencing with Section 26000) of the Business and Professions Code to be a public nuisance and provide for the immediate imposition of administrative fines or penalties for the violation of local zoning restrictions or building, plumbing, electrical, or other similar structural, or health and safety requirements if the violation exists as a result of, or to facilitate, the unlicensed cultivation, manufacturing, processing, distribution, or retail sale of cannabis for which a license is required. This subparagraph shall not be construed to apply to cannabis cultivation or activity that is lawfully undertaken pursuant to Section 11362.1 or 11362.5 of the Health and Safety Code, to commercial cannabis activity undertaken pursuant to a license under Division 10 (commencing with Section 26000) of the Business and Professions Code and applicable state regulations, or to a person exempt from licensure pursuant to Section 26033 of the Business and Professions Code.

(C) If a local agency adopts an ordinance that provides for the immediate imposition of administrative fines or penalties as allowed in subparagraph (B), that ordinance may impose the administrative fines and penalties upon the property owner and upon each owner of the occupant business entity engaging in unlicensed commercial cannabis activity and may hold them jointly and severally liable for the administrative fines and penalties.

(D) Administrative fines or penalties that are immediately imposed pursuant to an ordinance adopted under subparagraph (B) shall not exceed one thousand dollars (\$1,000) per violation and shall not exceed ten thousand dollars (\$10,000) per day. This subparagraph shall not be construed to limit the immediate imposition of larger fines that are otherwise authorized by applicable law and shall not be construed to limit administrative fines or penalties that are imposed after notice and a reasonable time to correct pursuant to subparagraph (A).

(E) An ordinance adopted pursuant to subparagraph (B) shall provide for a reasonable period of time for the correction or remedy of the violation prior to the imposition of administrative fines or penalties as required in subparagraph (A) if all of the following are true:

(i) A tenant is in possession of the property that is the subject of the administrative action.

(ii) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the commercial cannabis activity.

(iii) The rental property owner or agent did not know the tenant was engaging in unlicensed commercial cannabis activity for which a license was required and no complaint, property inspection, or other information caused the rental property owner or agent to have actual notice of the unlicensed commercial cannabis activity.

(F) A local agency that passes an ordinance pursuant to subparagraph (B) may refer cases involving unlicensed commercial cannabis activity to the Attorney General to undertake civil enforcement action pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of, or Section 26038 of, the Business and Professions Code or any other applicable law.

(b) (1) Notwithstanding Section 1094.5 or 1094.6 of the Code of Civil Procedure, within 20 days after service of the final administrative order or decision of the local agency is made pursuant to an ordinance enacted in accordance with this section regarding the imposition, enforcement, or collection of the administrative fines or penalties, a person contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the local agency's file in the case shall be received in evidence. A proceeding under this subdivision is a limited civil case. A copy of the document or instrument of the local agency providing notice of the violation and imposition of the administrative fine or penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the local agency by the contestant.

(2) The fee for filing the notice of appeal shall be as specified in Section 70615. The court shall request that the local agency's file on the case be forwarded to the court, to be received within 15 days of the request. The court shall retain the fee specified in Section 70615 regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the local agency in accordance with the judgment of the court.

(3) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(c) If no notice of appeal of the local agency's final administrative order or decision is filed within the period set forth in this section, the order or decision shall be deemed confirmed.

(d) If the fine or penalty has not been deposited and the decision of the court is against the contestant, the local agency may proceed to collect the penalty pursuant to the procedures set forth in its ordinance.

(Amended by Stats. 2023, Ch. 477, Sec. 1. (AB 1684) Effective January 1, 2024.)

State of California

GOVERNMENT CODE

Section 25132

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred dollars (\$100) for a first violation.

(2) A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year of the first violation.

(3) A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year of the first violation.

(c) Notwithstanding any other law, a violation of local building and safety codes that is an infraction is punishable by the following:

(1) A fine not exceeding one hundred thirty dollars (\$130) for a first violation.

(2) A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.

(3) (A) A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.

(B) A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(d) (1) Notwithstanding any other law, including subdivisions (b), (c), and (e), a violation of an event permit requirement that is an infraction is punishable by the following:

(A) A fine not exceeding one hundred fifty dollars (\$150) for the first violation of an event permit requirement.

(B) A fine not exceeding seven hundred dollars (\$700) for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(C) A fine not exceeding two thousand five hundred dollars (\$2,500) for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(2) (A) For purposes of this subdivision, "violation of an event permit requirement" means failure to obtain a permit required for a professionally organized special event

on private property that is commercial in nature, or from which the owner or operator derives a commercial benefit.

(B) For purposes of this paragraph, the following definitions apply:

(i) “Commercial in nature” means that a primary purpose of the special event is to derive an economic benefit resulting from the holding of the event through admission charges or sales of merchandise that occur as part of the event.

(ii) “Commercial benefit” means any remuneration received in exchange for allowing the property upon which the event occurs to be used for the event, including any remuneration that results from the rental of the property for a term of less than 31 consecutive days.

(e) (1) Notwithstanding any other law, including subdivisions (b), (c), and (d), the violation of a short-term rental ordinance that is an infraction is punishable by the following:

(A) A fine not exceeding one thousand five hundred dollars (\$1,500) for a first violation.

(B) A fine not exceeding three thousand dollars (\$3,000) for a second violation of the same ordinance within one year.

(C) A fine not exceeding five thousand dollars (\$5,000) for each additional violation of the same ordinance within one year of the first violation.

(2) For purposes of this section, “short-term rental” means a residential dwelling, or any portion of a residential dwelling, that is rented to a person or persons for 30 consecutive days or less.

(3) For purposes of this section, “residential dwelling” means a private structure designed and available, pursuant to applicable law, for use and occupancy as a residence by one or more individuals. “Residential dwelling” does not include a commercially operated hotel, motel, bed and breakfast inn, or time-share property as defined by subdivision (aa) of Section 11212 of the Business and Professions Code.

(4) The fine limits set by this subdivision apply only to infractions that pose a threat to public health or safety. The fines described in this subdivision shall not apply to a first time offense of failure to register or pay a business license fee. Nothing in this subdivision limits the authority of a county, or city and county, to establish lower fines for specific violations by ordinance.

(f) A county levying a fine pursuant to paragraphs (2) and (3) of subdivisions (b) and (c), and paragraph (1) of subdivision (e), shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by a responsible party that the responsible party has made a bona fide effort to comply after the first violation, and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

(Amended by Stats. 2021, Ch. 307, Sec. 1. (SB 60) Effective September 24, 2021.)