



*County of Lassen*  
**Department of Planning and Building Services**

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

March 5, 2025

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TO: Lassen County Board of Supervisors  
 Agenda Date: March 11, 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. Waive the second reading and adopt the ordinance.

***Summary:***

The above referenced ordinance was introduced on February 18, 2025. Please see said staff report for more information. This is the second reading and potential adoption of the proposed ordinance.

MLA:gfn

Enclosure: Proposed ordinance

X/pla/admin/files/300/23/03/3-11-2025 BOS (Adoption)/"Board letter (ordinance adoption)"

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.