

ARTICLE IX. - WATER VESSEL INSPECTION PROGRAM

Footnotes:

--- (3) ---

Editor's note- Ord. No. 2936, § 1, adopted Jan. 25, 2011, effective Feb. 24, 2011, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 5-52-15-62, pertained to similar subject matter and derived from Ord. No. 2915, § 1, 1-5-2010; Ord. No. 2866, § 1, 5-20-2008.

Sec. 15-52. - Findings.

52.1 The County of Lake holds the waters of Clear Lake in trust for the benefit of all citizens pursuant to legislation enacted in 1973 which conveyed in trust to the County of Lake the submerged lands of Clear Lake for the furtherance of navigation, commerce, fishery, recreation, and wherever possible and appropriate, preservation of the land and waters in their natural state. Clear Lake, as well as all other water bodies within the County of Lake represent a significant environmental resource to our citizens and are interrelated to the distribution systems of the County's water purveyors.

52.2 ~~A~~The aquatic non-native invasive freshwater mussel species of Dreissenid Mussels ~~such as Quagga and Zebra Mussels~~ pose a significant and imminent threat to the water bodies within the County of Lake. Non-native invasive mussel species Dreissenid Mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California. Once introduced into a water body, these mussels proliferate at an alarming rate, drastically altering the ecosystem of that water body, harming and/or consuming native species and food resources within the ecosystems they infest. Non-native invasive mussels Dreissenid Mussels additionally pose a significant and imminent threat to the water distribution systems of Lake County which draw water from Clear Lake and other water bodies within the County. These mussels attach to inside water treatment intake structures, pipes, and facilities to such a significant degree that the ability to distribute water through the County's existing, and in some cases, antiquated infrastructure, will be severely compromised.

52.3 Presently, it does not appear that any water body in Lake County has been infested with Non-native invasive mussels Dreissenid Mussels. However, water vessels entering Lake County from other areas of the state and country may have recently been launched in infested counties or waters, making those vessels at high risk to carry mussels (adults and

larvae) into Lake County waters.

52.4 A screening and inspection program is integral to the preservation of the water bodies and water distribution systems within the County of Lake, and to the drainages from Lake County.

52.5 This article is enacted under the police power of the County pursuant to Article XI, Section 7 of the California Constitution which authorizes the County to adopt and enforce regulations for the protection of the public health, safety, and welfare that are not in conflict with general laws.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-53. - Definitions.

53.1 For purposes of this article, the following words and phrases shall have the following meanings:

- (a) *Affidavit of Compliance* means a declaration to be executed by all water vessel owners and operators who wish to launch said vessels in a water body in the County of Lake which attests to the responsibility of that owner/operator to ensure that his/her water vessel is properly screened and, if necessary, inspected and/or decontaminated prior to launching.
- (b) *Authorized Screener* means an individual authorized by the Lake County Department of Water Resources to conduct the screening process necessary to determine whether a water vessel is at high risk to carry any Non-native invasive mussels Dreissenid Mussel such as Quagga, ~~and~~ Zebra, Golden mussels and any other aquatic, non- native invasive species.
- (c) *Authorized Inspector* means an individual who has received the necessary training approved by the Lake County Department of Water Resources to conduct inspections of water vessels for the purpose of determining whether said vessels are contaminated with any Non-native invasive mussels Dreissenid Mussel such as Quagga, ~~and~~ Zebra or Golden mussels and any other aquatic, non-native invasive species.
- (d) *Launch* means the introduction or placing of any trailered water vessel into a water body within the County of Lake.
- (e) *Live bait* means any fish, or other organisms used in conjunction with fishing the waters of Lake County.
- (f) *Mussel Sticker* means the stickers issued by an Authorized Screener/Inspector evincing the fact that the vessel to which the stickers are affixed has been screened and found to be at low risk to carry any Non-native invasive mussels Dreissenid Mussel such as Quagga, ~~and~~ Zebra or Golden mussels and any other aquatic, non-native invasive species.
- (g) *Non-native invasive species* means species identified by the State of California that establish and reproduce rapidly and which may threaten native species through competition, predation, parasitism, introduction of pathogens, or physically or chemically alter the habitat. Such species include, but are not limited to, Quagga, Zebra, and Golden mussels, Channeled Apple Snail, New Zealand Mud Snails and non-native aquatic plants as defined in Chapter 26A of the Lake County Code.

(h) *Non-resident water vessel* means a vessel that does not meet the definition of a resident water vessel.

(i) *Resident water vessel* means:

1. A vessel that has been issued a OMV registration that identifies its owner as being physically located within the borders of Lake County.
2. A vessel whose owner can demonstrate that it is moored or stored at a commercial facility located in Lake County.
3. Any other means deemed acceptable by the Director of Water Resources as to proof of residency in Lake County providing that the vessel is on the Lake County Assessor's current unsecured tax roll for boats.

U)

Screening and Inspection Program means the program of screening and inspection required by this article to ensure that all water vessels launching into water bodies in Lake County are free from contamination from adult and larval non-native invasive mussels Dreissenid-Mussels and other aquatic, non-native invasive species.

- (k) *Water vessel* means any trailered watercraft, or jet ski, or float plane capable of being launched into a water body within the County of Lake except as specifically exempted herein. Canoes, kayaks, car-top boats, float tubes, rafts, wind surfers/boards, boogie boards, nonmotorized paddle boats, and nonmotorized sail boats that are eight (8) feet or less in length are not considered water vessels for purposes of this article and are thereby exempt from the provisions herein.
- (l) *Water Vessel Inspection* means a physical inspection, using the training approved by the Lake County Department of Water Resources, of a vessel known or suspected to have been in water in an infested county or which bears a DMV registration in a county, either within or outside the State of California, which is known to be infested with non-native invasive mussels Dreissenid-Mussels and other aquatic, non-native, invasive species.
- (m) *Water Vessel Screening* means the process used to verify that a vessel and its trailer have not been in contact with a body of water in a county infested with non-native invasive mussels Dreissenid-Mussels and/or is registered in a county, either within or outside the State of California, which is known to be infested with non-native invasive mussels Dreissenid-Mussels and other non-native, invasive species.
- (n) *Attempted Launch* means an effort to launch a water vessel into a water body within the County of Lake as defined herein which, within one hundred fifty (150) feet of a water body and on a public launch ramp, evinces an endeavor to accomplish the launching of a water vessel, carried beyond mere preparation, but falling short of the ultimate execution of launching. In addition to any and all indicia of such attempts, directing a water vessel to within fifty (50) feet of a water body within the County of Lake shall be deemed to be an attempted launch.

(Ord. No. 2936, § 1, 1-25-2011; Ord. No. 2946, § 1, 4-26-2011)

Sec. 15-54. - Applicability.

This article shall be applicable to any trailered water vessel intending to launch in a water body within the County of Lake.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-55. - Mussel Stickers for Resident Water Vessels.

Because the weight of scientific evidence presently available strongly indicates, the greatest risk of contamination to our water bodies is by water vessels entering Lake County from other jurisdictions, the following program shall be applicable to all resident water vessels:

55.1 Owners and operators of resident water vessels, having submitted to screening and inspection, as applicable, shall receive Resident Mussel Stickers designating the vessel as a Resident Water Vessel and absent an event necessitating re-screening and/or re-inspection as specified in [Section] 15-57.1, these Mussel Stickers shall

expire at the end of each calendar year.

55.2 Every resident water vessel and its trailer must be affixed with Resident Mussel Stickers prior to launching that vessel in any water body in the County of Lake.

55.3 Resident Mussel Stickers shall be issued according to a color code that will change annually.

55.4 Upon expiration of the annual Resident Mussel Stickers, at the end of the calendar year, the resident vessel must undergo the necessary screening/inspection requirements to obtain next year's valid Mussel Stickers.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-56. - Mussel Stickers for Non-resident Water Vessels.

56.1 All non-resident water vessels and their trailers must be affixed with color-coded, monthly, Non-resident Mussel Stickers after screening and prior to launch in any water body in the County of Lake. Stickers are not transferable between vessels.

56.2 Non-resident Mussel Stickers shall be issued according to a color-code that will change monthly.

56.3 Upon expiration of the Non-resident Mussel Stickers, the non-resident water vessel must undergo the necessary screening/inspection requirements to obtain valid Mussel Stickers for the next calendar month.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-57. - Screening/Inspection Requirements.

57.1 *Screening Requirements.* Screening shall be required of:

- (a) All resident trailered water vessels prior to their first launch in every calendar year; or
- (b) All non-resident trailered water vessels prior to their first launch in every calendar month; or
- (c) All trailered water vessels, resident or non-resident, that have been launched in a body of water outside of the County of Lake pursuant to the executed Affidavit of Compliance.

57.2 *Screening Process.*

- (a) The screening process shall be conducted by an Authorized Screener or

Authorized Inspector and shall consist of:

- (1) A series of questions concerning the past location of the water vessel prior to launching in a water body in the County of Lake, designed to determine whether said past location constitutes an appreciable risk that said water vessel may be infested with non-native invasive mussels~~Dreissenid Mussels~~. Said questions shall be answered on the County of Lake Screening Application Invasive Species Inspection Program form; and
- (2) May require a visual verification by the Authorized Screener that the water vessel and trailer are clean, drained and dry.

(b)

Water vessels which, as a result of the screening process, are found to be clean, drained and dry, and do not pose an appreciable risk to the water bodies of Lake County shall be affixed with Mussel Stickers in a location as designated in the instructions accompanying the Mussel Stickers which signifies that the vessel may be launched into a water body in the County.

- (c) Water vessels which, as a result of the screening process, are not clean, drained and dry, or do appear to pose an appreciable risk to the water bodies of Lake County shall be required to undergo an inspection by an Authorized Inspector. The County of Lake Screening Application Invasive Species Inspection Program form shall identify that vessel as requiring authorized inspection.
- (d) Affidavit of Compliance. At the time of the screening, the vessel owner/operator shall be required to execute an affidavit which attests to the responsibility of that owner/operator to ensure that his/her water vessel is clean, drained and dry and properly screened, re-screened, inspected, and, if necessary, decontaminated prior to launching in a water body in the County of Lake. The Affidavit shall be signed under penalty of perjury.
- (e) If the Screening Application Form is filled out falsely this shall be a violation of this article.
- (f) A water vessel owner or operator may refuse to consent to said screening. If the water vessel owner or operator refuses to consent to screening, that water vessel shall not be allowed to launch in any water body within the County of Lake and shall be in violation of this article if he/she should nonetheless attempt to do so.

57.3 Inspection Requirements.

- (a) All water vessels determined as a result of the screening process to constitute an appreciable risk of contamination due to the possible presence of non-native invasive mussels~~Dreissenid-Mussels~~ shall submit to an inspection by an Authorized Inspector prior to launching in a water body in the County of Lake.
- (b) Said inspection shall consist of a thorough search of the exterior and interior of the water vessel, including but not limited to bilge pumps, motors, and live wells, bait wells, ballast tanks, bladders, and all areas of standing water.
- (c) A water vessel owner or operator may refuse to consent to said inspection. If the water vessel owner or operator refuses to consent to inspection, that water vessel shall not be allowed to launch in any water body within the County of Lake and shall be in violation of this article if he/she should nonetheless attempt to do so.

- (d) At the time of the inspection, if any water vessel is found to contain other aquatic, non-native invasive species, the water vessel owner or operator shall be required to remove said invasive species prior to launching in a water body within the County of Lake.
- (e) If, pursuant to the required inspection, a water vessel is found to be clean, drained and dry, and free of any possible non-native invasive mussels~~Dreissenid Mussel~~ infestation and any other aquatic, non-native invasive species is either not found or removed from the water vessel, the Authorized Inspector shall certify that the water vessel can be launched in Lake County after receiving the appropriate Mussel Stickers from an Authorized Screener.

- (f) Affidavit of Compliance. At the time of the inspection, the vessel owner/operator shall be required to execute an affidavit which attests to the responsibility of that owner/operator to ensure that his/her water vessel is properly inspected and, if necessary, decontaminated prior to launching in a water body in the County of Lake. The Affidavit shall be signed under penalty of perjury.
- (g) If, pursuant to the required inspection, a water vessel is found to be infested with adult non-native invasive mussels~~Dreissenid-Mussels~~, the vessel owner shall be informed that his/her water vessel shall be quarantined by the California Department of Fish and Game. If the vessel is found to possibly be infested with non-native invasive mussels~~Dreissenid-Mussels~~, the vessel owner may not launch his/her vessel until such time as that vessel has been decontaminated and re-inspected by an Authorized Inspector. The vessel owner shall be directed to a decontamination station where the vessel will undergo a decontamination process. Once the vessel has been decontaminated, reinspected and found to be at no risk of contaminating Lake County waters, the vessel can be affixed with Mussel Stickers as described hereinabove.

57.4 Decontamination. Decontamination stations shall be operated by the County of Lake, Department of Water Resources. Said stations shall be open to all owner/operators of water vessels. There shall be no fee associated with decontamination. Decontamination shall be required of all vessels that have been determined to be at high risk of being infested with non-native invasive mussels~~Dreissenid-Mussels~~. Such determination shall be made if the vessel is not clean, drained and dry, OR was last in the water of an infested county, less than thirty (30) days ago.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-58. - Screening/Inspection Stations.

58.1 Designated locations are available within the County. The current list of Authorized Screeners is available at www.co.lake.ca.us/mussels.

58.2 Inspections shall be carried out by County personnel at any time. Vessel owners shall be referred to the nearest Authorized Inspector when required. Inspections may be scheduled by calling the Department of Water Resources, (707) 263-2344.

58.3 Nothing in this article precludes screening and/or inspections at other locations within the County which may be offered by private persons and/or organizations if such screenings are performed by Authorized Screeners and such inspections are performed by Authorized Inspectors.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-59. - Fees.

The following fees are hereby established for County-operated screening and inspection services:

- (a) The fee for each screening and/or inspection performed by the County of Lake shall be ~~ten dollars (\$10.00)~~ approved by the Board of Supervisors and listed under the currently adopted master fee schedule.
- (b) Fees collected for screening and/or inspection, that are not otherwise encumbered, shall be used to fund the Water Vessel Inspection Program.

(Ord. No. 2936, § 1, 1-25-2011)

Sec. 15-60. - Disposing of Live Bait into a Water Body in Lake County is Prohibited.

60.1 It shall be unlawful in the unincorporated areas of the County of Lake to launch or to attempt to launch a water vessel in a water body in the County of Lake in violation of the requirements of this article.

60.2 *Live Bait.* It shall be unlawful to dispose of any live bait and/or any liquid containing live bait or any liquid which previously contained live bait in a water.

(Ord. No. 2936, § 1, 1-25-2011; Ord. No. 2946, § 2, 4-26-2011)

Sec. 15-61. - Criminal Sanctions.

61.1 *Criminal Penalties.*

- (a) Any person violating any provision of this article shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each launch in a water body in the County of Lake. The Lake County Sheriff is authorized to enforce this article and that power may be exercised by any deputy of the sheriff and/or by any person so authorized by law.
- (b) Any individual convicted of a violation of this chapter shall be:
 - 1. Guilty of an infraction and punished by a fine of one hundred dollars (\$100.00) for the first offense;
 - 2. Guilty of an infraction and punished by a fine of two hundred dollars (\$200.00) for the second offense;
 - 3. The third and subsequent offenses shall constitute a misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500.00) but not to exceed one thousand dollars (\$1,000.00) and/or up to six (6) months in the county jail or both.
- (c) Notwithstanding sections (a) and (b) of Section 61.1 hereinabove, the first or second offense may be charged and prosecuted as misdemeanor.

61.2 *Impound.* A water vessel unlawfully launched or which is attempted to be unlawfully launched in a water body in the County of Lake may be subject to impound pursuant to a misdemeanor arrest or issuance of a misdemeanor citation by a peace officer for violation of

this article.

- (a) Any water vessel which is operated, managed, controlled, or otherwise used in violation of the provisions of this code may forthwith be impounded by any authorized officer and held pending determination of the charge of the violation pursuant to which the water vessel was impounded.
- (b) When a water vessel is impounded from the immediate possession of any person, the authorized officer shall immediately deliver to said person a notice in writing signed by the authorized officer which shall state:
 - 1. The fact of such impound;

2. The name of the owner of the water vessel;
 3. The name of the person from whom possession was taken;
 4. A description of the water vessel sufficient for identification;
 5. Any identification number of the water vessel;
 6. The particular location at which the impounded water vessel will be stored;
and
 7. A statement of the charge of violation pursuant to which the water vessel has been impounded.
- (c) Upon conviction of any person for any said charge of violation pursuant to which the water vessel is impounded, any person lawfully entitled to the possession of said vessel who demands possession shall pay to the County all storage charges as well as all charges incident to the impoundment of said vessel.
- (d) In the event any person is acquitted of the charge of violation pursuant to which the water vessel is impounded, said vessel shall be released to any person entitled to possession thereof and the costs of storage shall be a County charge.

61.3 Lien and Sale of Impounded Water Vessels.

- (a) The County shall have a lien upon any impounded water vessel and the proceeds of any sale thereof for the payment of impound and storage charges incurred pursuant to the provisions of this article.
- (b) Irrespective of the disposition of any criminal charge against a person for a violation of this article pursuant to which a water vessel is impounded and stored, if possession of said water vessel is not obtained by a person lawfully entitled to such possession within thirty (30) days of such disposition, the County is empowered to sell the water vessel at public auction in satisfaction of its lien for impound and storage charges. For California registered vessels, the California Boaters Lien Law shall apply.

61.4 Payment of any penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the authorized officer.

61.5 Any person found not in compliance with the provisions of this article shall be ordered off the water body, and shall be subject to any other legal action as deemed necessary by the authorized officer.

61.6 *Forfeiture.* Whenever any person is convicted of a misdemeanor violation of this article, the judge may, upon the conviction of the person, order the forfeiture of the water

vessel that was used in committing the offense charged.

(Ord. No. 2936, § 1, 1-25-2011; Ord. No. 2946, § 3, 4-26-2011; Ord. No. 2976, § 1, 6-19-2012)

Sec. 15-62. - Public Nuisance Declaration.

62.1 *Declaration.* Any violation of this article is hereby declared to be unlawful and a public health nuisance and may be abated by an Enforcement Official as defined in Chapter 13 of the Lake County Code irrespective of any other remedy provided herein.

62.2 *Summary Abatement.* A violation of this article constitutes an immediate threat or danger to the health, safety, or welfare of the public and may, therefore, be summarily abated pursuant to Lake County Code Section 13-9.1 and Section 5-37, excepting that the notice provisions of Section 5-37.2 shall not apply. The Enforcement Official may require the immediate abatement of a violation of this article, including the impoundment of water vessels which were launched or attempted to launch in violation of this article as provided in Section 61.2 herein.

- (a) The owner/operator of the water vessel launched or attempted to be launched in a Lake County water body shall be responsible for all costs associated with the summary abatement, which shall be confirmed in accordance with Sections 13-41 and 13-42 of Chapter 13 of Lake County Code, including but not limited to a post-abatement Hearing on Account and Proposed Assessment. In addition to any evidence required to be presented at the Hearing on Account and Proposed Assessment, the owner/operator shall have the right to present evidence to prove that a nuisance did not exist at the time of the summary abatement. In the event the Board of Supervisors finds that such evidence satisfactorily proves a nuisance did not exist at the time of the summary abatement, the costs of the summary abatement shall be a County charge.
- (b) If the Board of Supervisors confirms the costs of a summary abatement, any water vessel(s) impounded consequent to said abatement shall not be released by the Enforcement Official until the costs of the abatement have been paid in full.
- (c) The amount of the unpaid costs of a summary abatement may be declared a special assessment against any real property owned by the owner/operator pursuant to the requirements of Section 63-11 of this article. The Board of Supervisors may impose the special assessment on one (1) or more parcels. The amount of the assessment may not exceed the amount of the confirmed costs of the summary abatement.

(Ord. No. 2936, § 1, 1-25-2011; Ord. No. 2976, § 2, 6-19-2012)

Sec. 15-63. - Administration Citations-Fines.

63.1 *Findings and Purpose.* The Lake County Board of Supervisors finds there is a need for an additional method of enforcement for violations of this article and further finds an

appropriate method of enforcement is an Administrative Citation because it will reduce the burden on the judicial system while providing full due process for those cited and promote and protect the public health safety and welfare of the residents of the County of Lake by minimizing potentially extremely harmful County code violations. The procedures set forth in this article may be used to impose a penalty on violators and shall be in addition to criminal, civil or any other legally established procedures that may be pursued to address violations of this Code.

63.2 *Administrative Citations.* Whenever an Enforcement Official who has authority to enforce a violation of any of the provisions of this article determines that a violation has occurred, the Enforcement Official shall have the authority to issue an Administrative Citation to any responsible party. For purposes of this article, "responsible party" means the person or entity responsible for the violation and may include the person or persons who owns the water vessel which is the subject of the violation, the person or persons in charge of the water vessel which is the subject of the violation and/or the person or persons using the water vessel which is the subject of the

violation. If any of those persons are minors, the parent or guardians of such minor(s) shall be the responsible party. If the person or persons is a business entity, the manager or on-site user of the water vessel which is the subject of the violation shall be the responsible party.

- (a) A civil fine shall be assessed by means of an administrative citation issued by the Enforcement Official and shall be payable directly to the Lake County Treasurer-Tax Collector. Each and every day a violation of this article exists constitutes a separate and distinct offense.
- (b) Administrative fines for the violation of this article shall be assessed as follows:
 - 1. Administrative fines for the violation of this article which would be punishable as an infraction shall be assessed as follows: A fine of one hundred dollars (\$100.00) for a first violation; a fine of two hundred dollars (\$200.00) for a second violation of this article within one (1) year from the date of the first violation; and a fine of five hundred dollars (\$500.00) for each additional violation of this article within one (1) year from the date of the first violation.
 - 2. Administrative fines for the violation of this article which would be punishable as a misdemeanor shall be assessed as follows: A fine of one thousand dollars (\$1,000.00) per violation.

63.3 *Service of Citation.*

- (a) *Personal Service.* The Enforcement Official shall attempt to locate and personally serve the responsible party and obtain the signature of the responsible party on the administrative citation. If the responsible party served refuses or fails to sign the administrative citation the failure or refusal to sign shall not affect the validity of the administrative citation or subsequent proceedings.
- (b) *Service of Citation by Mail.* If the Enforcement Official is unable to locate the responsible party, the administrative citation shall be mailed to the responsible party by certified mail postage prepaid with a requested return receipt. Simultaneously the citation may 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.

63.4 *Contents of Notice.*

- (a) Each administrative citation shall contain the following information:
1. Date, approximate time, and address or definite description of the location where the violation was observed;
 2. The Code sections or conditions violated and a description of the violation;
 3. An order to the responsible party to correct the violations within the time specified and an explanation of the consequences of failure to correct the violation;
 4. The amount of the fine for the violation;
 5. An explanation of how the fine shall be paid and the time period by which it shall be paid;
 6. Identification of rights of appeal including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and

7. The name and signature of the Enforcement Official and, if possible, the signature of the responsible party.
- (b) Failure of the citation to contain all the required information shall not affect the validity of the citation or any subsequent proceedings related to the citation.

63.5 *Satisfaction of Administrative Citation.* Upon receipt of an administrative citation the responsible party must either correct the violation, pay the corresponding fine, and contact the County to request an inspection prior to the compliance date specified in the citation or file an appeal pursuant to the requirements of Section 63.6 herein.

63.6 *Appeal of Administrative Citation.* Any recipient of an administrative citation may contest that there was a violation of this article or that he or she is the responsible party or the amount of any fine imposed by completing a Request for Hearing form and returning it to the County Clerk within ten (10) days from the date of the administrative citation together with an advanced deposit of the fine imposed. Any administrative citation fine which has been deposited by that responsible party shall be refunded if it is determined after a hearing that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation. The failure of any responsible party to file an appeal in accordance with the provisions of this section shall constitute a waiver of that responsible party's rights to administrative determination of the merits of the administrative citation and the amount of the penalty. If no appeal is filed or if the appeal is abandoned in writing or by failure to appear at a hearing without being excused the administrative citation shall be deemed a final administrative order, a forfeiture of the fine and a failure to exhaust the responsible party's administrative remedies.

63.7 *Hearing Procedure.* No hearing to contest an administrative citation before the Board of Supervisors shall be held unless and until a request for hearing form has been completed and submitted and the amount of the fine has been deposited in advance.

- (a) A hearing shall be set for a date that is not less than fifteen (15) and not more than sixty (60) days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- (b) The Board of Supervisors shall only consider evidence that is relevant to whether the violation occurred, whether the responsible party has caused or

maintained the violation of this article on the date specified in the administrative citation and regarding the amount of the fine imposed.

- (c) The responsible party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
- (d) The administrative citation and any additional documents submitted by the Enforcement Official shall constitute prima facie evidence of the respective facts contained in those documents.
- (e) The Board of Supervisors may continue the hearing from time to time for good cause and may request additional information from the Enforcement Official or the recipient of the administrative citation prior to issuing a decision.

63.8 *Decision of the Board.* The decision of the Board of Supervisors shall be final. If the Board of Supervisors dismisses the administrative citation all fines paid consequent to the issuance of the subject citation shall be refunded to the responsible party within thirty (30) calendar days.

63.9 *Failure to Pay Fines.*

- (a) The failure of any person to pay a fine assessed by administrative citation within the time specified on the administrative citation constitutes a debt to the County of Lake. To enforce that debt, the County may file a civil action impose a special assessment as set forth below or pursue any other legal remedy to collect such debt including reasonable costs of collection and attorneys fees.
- (b) The Board of Supervisors may impose a special assessment against property owned by the responsible party. The County shall record a notice of lien in the office of the county recorder of the county in which the property is located when the special assessment procedure is used. When so made and confirmed, the cost shall constitute a lien on that property for the amount of the assessment.
- (c) After confirmation and recordation, a copy shall be turned over to the tax collector for the county in which the property is located. At that point it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. In the alternative, after recording the lien may be foreclosed by judicial or other sale in the manner and means provided by law in the county and state in which the property is located.
- (d) Nonpayment of fines which the County has made reasonable effort to collect may be deemed a misdemeanor for which the Responsible Party may be prosecuted.
- (e) Administrative citation fines collected pursuant to this shall be deposited into an appropriate fund to be administered in furtherance of the purposes of this article to fund such actions and proceedings consistent with the goals of this article.

63.10 *Right to Judicial Review.* Notwithstanding the provisions of Section 1094.5 or 1094.6

of the Code of Civil Procedure, within twenty (20) days after service of the final administrative order or decision of the Board of Supervisors, 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, pursuant to Government Code Section 53069.4.

63.11 *Civil or Criminal Actions Not Affected.* Any administrative citations pursuant to this Part shall not prejudice or adversely affect any other action civil or criminal that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

(Ord. No. 2976, § 3, 6-19-2012)

Sec. 15-64. - Administrative Costs.

An Enforcement Official is authorized to assess any reasonable administrative or legal costs arising out of or related to a nuisance abatement and/or administrative citations issued pursuant to this article. Administrative or legal costs may include scheduling and processing of the administrative hearing and all subsequent actions related to the administrative hearing, or judicial actions. Administrative costs may include assessments recorded on the tax rolls collected by the Lake County Tax Collector-Treasurer and the costs of such recording.

(Ord. No. 2976, § 3, 6-19-2012)

Sec. 15-65. - Nonexclusive Remedies.

The remedies provided in this article are cumulative and shall be in addition to any other remedies provided by law.

(Ord. No. 2976, § 3, 6-19-2012)

Sec. 15-66. - Use of Fines Collected.

Fines collected as a result of violating this article, that are not otherwise encumbered, shall be used to fund the Water Vessel Inspection Program.

(Ord. No. 2976, § 3, 6-19-2012)

Secs. 15-67-15-69. - Reserved.