

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 13 OF THE LAKE
COUNTY CODE RELATING TO ADMINISTRATIVE PENALTIES

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS
AS FOLLOWS:

Section 1: Article VII of Chapter 13 of the Lake County Code is hereby amended
to read as follows:

"Sec. 13-45. - Citation and Authority

45.1 This article is adopted pursuant to Government Code section 53069.4
and may be cited as the Lake County Administrative Penalties Ordinance.

Sec. 13-46. - Purpose and Intent.

46.1 The purpose of this article, relating to administrative Penalties is to
provide alternative remedies to address acts or omissions as set forth in
Section 13-48 below. Violations may be corrected, abated, or addressed in a
number of ways. It is the intent of this article to provide the County with an
additional remedy to correct violations and, where necessary, to penalize
violators for failure to comply with County codes and ordinances.

46.2 This article is adopted in order to achieve the following goals:

- a. To protect the public health, safety and welfare of the communities
and citizens in the County of Lake;
- b. To provide for an administrative process for the imposition of
Penalties and for a process to appeal the imposition of administrative
Penalties;
- c. To provide for a method to penalize responsible parties who fail or
refuse to comply with provisions of the County Code, ordinances, or
conditions of entitlement in the County of Lake; and
- d. To minimize the expense and delay where the alternative remedy is to

1 pursue responsible parties in the civil or criminal justice system.

2 46.3 All final administrative orders made pursuant to the procedures set forth
3 in this article shall be subject to review only as provided for in Government
4 Code Section 53069.4.

5 Sec. 13-47. - Definitions.

6 47.1 For purposes of this article, the following words and phrases shall have
7 the following meanings:

- 8 a. "Administrative Citation" means a citation issued pursuant to this
9 Section 13-45 imposing an Administrative Fine pursuant to Subsections
10 13-51 and/or 13-52.
- 11 b. "Administrative Costs" means all direct and indirect costs incurred as
12 a result of an Administrative Citation hearing, including, but not limited to,
13 reasonable attorney fees, and costs relating to the initial review, scheduling,
14 and processing of the administrative hearing.
- 15 c. "Administrative Fine" means the fine or penalty imposed on the
16 Responsible Person for an Administrative Violation.
- 17 d. "Administrative Processing Agency" means the entity contracted by
18 the County to process Administrative Citations, or, in the absence of such a
19 contract, means the County.
- 20 e. "Administrative Violation" means any violation of this Code, applicable
21 statutory provisions, ordinances, uniform codes adopted by the County,
22 orders issued by a commission, board, hearing officer, or other body
23 authorized to issue orders, or any conditions or requirements imposed on or
24 by any entitlement, permit, or environmental document issued or approved
25 by the County.
- 26 f. "Cannabis Operations" means any business activity involving
27 cannabis other than personal use, including but not limited to
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1 cultivating, transporting, distributing, manufacturing, compounding,
2 converting, processing, preparing, storing, packaging, delivering, testing,
3 dispensing, retailing and wholesaling of cannabis, of cannabis products or of
4 ancillary products and accessories, whether or not carried on for gain or
5 profit.

6 g. "Continuing Violation" means any Administrative Violation pertaining
7 to building, plumbing, electrical, or other similar structural or zoning issue
8 that does not create an imminent hazard to health or safety. A Continuing
9 Violation does not include an Administrative Violation that can be corrected
10 by the Responsible Party through the immediate cessation or discontinuation
11 of any prohibited activity or by the immediate implementation of a required
12 activity as determined by the Issuing Department.

13 h. "Days" shall mean calendar days.

14 i. "Enforcement Costs" means all direct and indirect costs incurred by
15 the Issuing Department in investigating, inspecting, or abating any
16 Administrative Violation, including, but not limited to, noncompliance fees
17 and costs incurred in preparing for and attending an Administrative Citation
18 hearing.

19 j. "Enforcement Officer/Official" means any police officer, inspector, or
20 other employee or agent of the County having the power to enforce any
21 Administrative Violation, including Enforcement Officers of non-County
22 entities that have the authority to perform such enforcement through
23 agreements with any County Departments.

24 k. "Issuing Department" means the County department or office that has
25 authority and responsibility for enforcing Administrative Violations subject to
26 an Administrative Citation, including non-County entities that have the
27 authority to perform such enforcement through agreements with any County
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1 Departments.

2 l. "Hearing Officer" means the Chair of the Board of Supervisors, or his
3 her designee appointed to consider all timely requests for an administrative
4 hearing upon issuance of a citation.

5 m. "Minor" means any person under the age of eighteen years.

6 n. "Person" means an individual, firm, partnership, joint venture,
7 association, corporation, limited liability company, estate, trust, business
8 trust, receiver, syndicate, or any other group or combination acting as a unit,
9 whether organized as a nonprofit or for-profit entity, and includes the plural
10 as well as the singular number

11 o. "Responsible Person" means any person, as defined in this Section,
12 who is any of the following:

13 i. A person who causes or materially contributes to the causation
14 of an Administrative Violation;

15 ii. A person who maintains or allows an Administrative Violation to
16 continue by his or her action or inaction;

17 iii. A person whose agent, employee, or independent contractor
18 causes or materially contributes to the causation of an Administrative
19 Violation;

20 iv. An on-site manager of a business who is responsible for the
21 activities occurring at the premises where an Administrative Violation
22 occurs;

23 v. A trustee or other person who is given the legal authority to
24 manage property on behalf of someone else where an Administrative
25 Violation occurs;

26 vi. A person who is a parent or guardian having custody and
27 control of a Minor who contributes to the causation of an
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Administrative Violation;

vii. A person who is the owner of, or who exercises control over, or any lessee or sub lessee with the current right of possession of, real property where a property related Administrative Violation occurs.

p. "Violation" shall mean any act or omission for which Administrative Penalties may be imposed pursuant to this article.

Sec. 13-48. - Imposition of Administrative Penalties.

48.1 Administrative Penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this Article. Administrative penalties may be imposed by the Enforcement Official for any of the following acts or omissions:

- a. All violations of the Lake County Code;
- b. Failing to comply with any condition imposed by any entitlement, permit, contract, or environmental document issued or approved by the County of Lake; and
- c. Failing to obtain and/or maintain any permit related to cannabis operations which is required, issued, and/or approved by the County of Lake.

48.2. *Adjustment of Penalties.* The Board of Supervisors may adjust the penalties for specific Administrative Violations through a Resolution.

48.3 Notice of Violation.

- a. If the Enforcement Official determines that public or private property, or portions thereof, is being maintained or permitted to exist in a manner for which administrative penalties may be imposed pursuant to this article which pertains to building, plumbing, electrical, structural or zoning issues, the responsible party(ies) shall be provided with a reasonable period of time to correct the violation prior to imposition of the administrative penalties, except in those cases in which there is an immediate danger to health and safety.

1 The reasonable period of time for purposes of this section shall not exceed
2 thirty (30) days from service of the written Notice of Violation.

3 b. *Manner of Giving Notice.* The Enforcement Official shall post a copy
4 of the Notice of Violation in a plainly visible place on the property and shall
5 serve a copy of the Notice of Violation upon those persons and in the same
6 manner as described in Section 13-6.2.

7 c. *Use of Monies Collected.* All monies collected as a result of the
8 imposition of said administrative Penalties shall be remitted to the County
9 Treasurer-Tax Collector who shall place said monies in a Code Enforcement
10 Fund. The purpose of this fund shall be to pay the costs associated with the
11 code enforcement program in the County. This program may include
12 participation by multiple County departments, which departments shall be
13 compensated through the Code Enforcement Fund in a manner to be agreed
14 upon by the program participants.

15 Sec. 13-49. - Notice of Imposition of Administrative Penalties.

16 49.1 *Notice of Violation.* If the violation is not corrected within the period
17 stated in the Notice of Violation, or if the violation creates an immediate
18 danger to health or safety, a Notice of Imposition of Administrative Penalties
19 may be issued by the enforcement official.

20 49.2 *Contents of Notice.* The Notice of Imposition of Administrative Penalties
21 shall be issued on a form approved by the County Counsel and shall contain
22 the following information:

- 23 (1)The date, location and approximate time the violation was observed;
24 (2)The ordinance, statute, or condition imposed by any entitlement, permit,
25 contract or environmental document violated and a brief description the
26 violation;
27 (3)The amount of the administrative penalty imposed for the violation;
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1 (4)A statement that the responsible party may appeal the imposition of the
2 administrative penalty within fifteen (15) days of the date the Notice of
3 Imposition is served;

4 (5)Instructions on how to appeal the Notice of Imposition of Administrative
5 Penalties;

6 (6)A statement that if the responsible party fails to request an appeal of the
7 Notice of Imposition of the Administrative Penalties, the imposition of the
8 penalty shall be final;

9 (7)A statement that any responsible party upon whom an administrative
10 penalty has been imposed may seek judicial review of the order imposing the
11 penalty pursuant to Government Code Section 53069.4; and

12 (8)The signature of the Enforcement Officer.

13 The failure of the Notice of Imposition of Administrative Penalties to set forth
14 all required contents shall not affect the validity of the proceedings.

15 Sec. 13-50. - Service of Notice of Imposition of Administrative Penalties.

16 The Notice of Imposition of Administrative Penalties shall be served in the
17 same manner as provided for in Section 13-6.2 for service of a Notice of
18 Violation.

19 Sec. 13-51. - Amount of Administrative Penalties; Infractions.

20 a. The penalty imposed for each violation shall not exceed the following
21 amounts:

22 (1)One hundred dollars (\$100.00) for a first violation;

23 (2)Two hundred dollars (\$200.00) for a second violation of the same
24 ordinance within one year; and

25 (3)Five hundred dollars (\$500.00) for each additional violation of the same
26 ordinance within one (1) year.

27 b. If the violation is not corrected, additional administrative penalties may
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1 be imposed for the same violation. The amount of the administrative penalty
2 shall increase at the rate specified above;

3 c. Payment of the administrative penalty shall not excuse the failure to
4 correct the violation nor shall it bar further enforcement action; and

5 d. The administrative penalty imposed shall be made payable to the
6 County of Lake.

7 Sec. 13-52. - Violations Other than Infractions.

8 52.1 If this Code does not designate a violation as an infraction the
9 Enforcement Official may impose an administrative fine within the amounts
10 set forth below:

11 a. If the violation arises from an unlawful commercial, industrial, rental,
12 owner-occupied residential or similar use or structure on the property, the
13 Enforcement Official, in his or her discretion, may impose a fine in one of the
14 following sums:

15 (1).One hundred dollars (\$100.00) from the date of transmittal of the Notice
16 of Violation, and up to one hundred dollars (\$100.00) for each calendar day
17 thereafter that the violation exists on the property through the effective date
18 of the Notice of Violation; or

19 (2).In the event that the use of structure in violation may be permitted with an
20 appropriate permit, up to a maximum of five (5) times the amount of the
21 standard fee for such a permit.

22 *52.2 Administrative Penalties for Failure to Obtain and/or Maintain Any*
23 *Permit Related to Cannabis Operations Which is Required, Issued, and/or*
24 *Approved by the County.* Certain misconduct poses such critical risk to the
25 health and safety of the County's residents and the environment that a
26 significant fine must be imposed distinct from those Penalties described in
27 Section 52.1 hereinabove. Said violations are not designated as infractions
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1 and any fine imposed as a consequence of such violation is not a tax or fee
2 under Article XIII C, Section One, subdivision (e)(5) of the California
3 Constitution and is subject only to the Excessive Penalties Clause of Article
4 1, section 17 of the California Constitution and the Eighth Amendment of the
5 United States Constitution. While the failure to obtain a permit required for
6 cannabis operations shall constitute a public nuisance, the procedures
7 established in this section are in addition to any other procedures or legal
8 remedies used to address violations of County ordinances, including but not
9 limited to nuisance abatement procedures.

10 *a. Administrative Penalty Imposed.*

11 The Administrative Penalty imposed pursuant to Section 13-52.3 is so
12 imposed as a separate violation for each day the violation continues to
13 persist. The Administrative Penalty so imposed shall accrue as of the date
14 indicated in the Notice of Violation and shall continue to accrue until the
15 violation is remedied.

16 (1)Any person engaged in adult-use cannabis operations without having first
17 obtained any and all required County permits is in violation of this prohibition
18 and, if the violation is not corrected within thirty (30) days, shall be liable for
19 an administrative fine of one thousand dollars (\$1,000.00) per day per
20 violation.

21 (2)For a second such violation within a twelve-month period commencing
22 from date of issuance of the prior administrative citation to the same person,
23 or on the same premises if the property owner remains the same, the
24 administrative fine shall be three thousand dollars (\$3,000.00) per day per
25 violation.

26 (3)For a third such violation within a twelve-month period commencing from
27 date of issuance of the prior administrative citation to the same person, or on
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1 the same premises if the property owner remains the same, the
2 administrative fine shall be five thousand dollars (\$5,000.00) per day per
3 violation. requirements, and conditions determined necessary under the law
4 then existing.

5 Sec. 13-53. Hardship Waiver.

6 53.1 A Responsible Party may request a hardship waiver to reduce the
7 amount of a penalty imposed pursuant to this Article.

8 a. A hardship waiver for a fine reduction may be requested no later than
9 fourteen (14) calendar days after the Administrative Violation is served. This
10 Responsible Party is required to make a showing that they have made a
11 bona fide effort to comply after the first violation and that payment of the full
12 amount would impose an undue financial burden on them. The head official
13 of the Issuing Department, or their designee, is charged with reviewing fine
14 reduction requests.

15 b. Any Responsible Party receiving a fee reduction pursuant to this
16 paragraph retains the right to appeal the Administrative Violation pursuant to
17 Subsection 13-54. The twenty-one (21) calendar day appeal period of
18 Subsection 13-54 (a) shall not be extended due to any fine reduction request
19 pursuant to this paragraph.

20 Sec. 13-54. - Administrative Appeal

21 54.1 *Initial Review.* The Responsible Person may contest an Administrative
22 Citation no later than twenty-one (21) calendar days after the Administrative
23 Violation is served. The appeal request must be in writing, specifying the
24 basis for the appeal in detail, and filed with the administrative processing
25 agency as indicated in the Administrative Citation. The Initial Review will be
26 completed by the head official of the Issuing Department or their designee.

27 a. If, following the initial review, the citation is upheld, the Responsible
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1 Person shall be notified by mail and informed of their obligation to pay the
2 Administrative Fine within fifteen (15) days of the mailing, or of their right to
3 request an Administrative Hearing.

4 *54.2 Hearing Before the Board of Supervisors- Filing Requirements*

5 a. If the Responsible Person chooses to contest the outcome of the Initial
6 Review, within fifteen (15) days of the mailing of the results of the Initial
7 Review, the Responsible Person shall submit a written request, on an official
8 form provided by the County, requesting an Administrative Hearing before
9 the Board of Supervisors. Said form, hereinafter referred to as a Request for
10 Administrative Hearing, shall include an advance deposit in the full amount
11 of the Administrative Fine or one thousand dollars (\$1,000), whichever is
12 less, or written proof of financial hardship as specified in Section 13-53
13 herein. A hearing shall be scheduled with the Board of Supervisors when the
14 aforementioned conditions are met.

15 b. In lieu of the advance deposit required, written proof of financial hardship,
16 which shall be in the form of a declaration signed by the Responsible Person
17 under penalty of perjury, along with supporting documentation as specified
18 by the County, shall be filed with the Administrative Processing Agency.

19 c. A Responsible Person who fails to submit a Request for Administrative
20 Hearing within fifteen (15) days, or who fails to make the required deposit or
21 provide written proof of financial hardship, will have waived the right to
22 contest the Initial Review and shall pay the Administrative Fine in
23 accordance with the timeline set forth in paragraph (a)(1), above.

24 *54.3 Hearing Date - Notice of Hearing.* The hearing shall be set for a date
25 that is not less than ten (10) days from the date of mailing of the notice of
26 hearing. The notice of hearing shall state the date, time and place of the
27 hearing and direct the property owners or occupant and other responsible
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1 parties to appear and show cause why the administrative fine should not be
2 imposed. The Notice of Hearing may be delivered to the person(s) or may be
3 mailed to the address(es) listed in the Notice of Appeal.

4 *54.4 Continuances.* The Hearing Officer may, in their discretion, grant or
5 deny a continuance of the hearing date upon a request by the Responsible
6 Party or the Issuing Department and a showing of good cause.

7 *54.5 Failure to Attend a Hearing*

8 If the Responsible Person or his or her representative fails to attend the
9 scheduled hearing, he or she shall be deemed to have waived his or her
10 right to an Administrative Hearing. Under these circumstances, the
11 Administrative Hearing Officer shall find the Responsible Person in default,
12 and shall issue a written notice to that effect. A default under this Section
13 shall constitute a forfeiture of the Administrative Fine and a waiver of any
14 right to challenge the assessed Enforcement Costs and Administrative
15 Costs. A default under this Section shall also be a bar to judicial review of
16 the hearing officer decision based upon failure to exhaust administrative
17 remedies. A default under this provision may be set aside by the
18 Administrative Hearing Officer at the request of the Responsible Party upon
19 a showing of good cause for failing to appear at the Administrative Hearing.

20 a. If a financial hardship waiver was granted and the Responsible Person is
21 in default as provided above or a challenge to the citation is withdrawn
22 pursuant to above, the Administrative Fine, Enforcement Costs, and
23 Administrative Costs shall be due and payable by the Responsible Person(s)
24 to the County within fifteen (15) calendar days following the date that had
25 been set for the Administrative Hearing.

26 *54.6 Withdrawal of Appeal.* A Responsible Person who has been issued an
27 Administrative Citation and who has requested an administrative hearing to
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1 challenge the citation as provided in this Article may request in writing that
2 his or her challenge to the citation be withdrawn and the hearing cancelled.
3 Upon receipt of a request to withdraw a challenge to the Administrative
4 Citation, the County shall cancel the pending hearing, and issue a written
5 notice to that effect. A withdrawal under this Subdivision shall constitute a
6 forfeiture of the Administrative Fine and a waiver of any right to challenge the
7 assessed Enforcement Costs and Administrative Costs. A withdrawal under
8 this Subdivision shall also be a bar to judicial review of the hearing officer
9 decision based upon failure to exhaust administrative remedies.

10 *54.7. Procedures at the Administrative Hearing*

11 a. The Hearing Officer shall preside at the hearing and hear all facts and
12 testimony presented and deemed relevant. The hearing is informal in nature,
13 and formal rules of evidence and discovery do not apply. The proceedings
14 shall be audio-recorded by the County. Any relevant evidence shall be
15 admitted if it is the sort of evidence on which responsible persons are
16 accustomed to rely in the conduct of serious affairs, regardless of the
17 existence of any common law or statutory rule which might make improper
18 the admission of the evidence over objection in civil actions.

19 b. The Hearing Officer shall only consider evidence that is relevant to
20 whether the violation(s) occurred and whether the recipient of the
21 Administrative Citation has caused or maintained the violation(s) on the
22 date(s) specified in the Administrative Citation.

23 c. The County bears the burden of proof at an administrative hearing to
24 establish the existence of the Administrative Violation specified on the
25 citation. The Administrative Hearing Officer shall use preponderance of the
26 evidence as the standard of proof in deciding the issues.

27 d. The Administrative Citation and any additional documents submitted by
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1 the Issuing Department shall be accepted by the Administrative Hearing
2 Officer as prima facie evidence of the respective facts contained in those
3 documents. The Enforcement Officer may attend the hearing but is not
4 required to do so.

5 e. Each party shall have the opportunity to testify, cross-examine witnesses,
6 and present witnesses and evidence in support of his or her case. Written
7 and oral evidence submitted at the hearing shall be submitted under penalty
8 of perjury. Documentary and other tangible evidence must be authenticated
9 to the satisfaction of the Administrative Hearing Officer. Nothing shall
10 preclude the use of telephonic or other electronic means of communication if
11 deemed appropriate by the Administrative Hearing Officer.

12 f. The Hearing Officer may continue the hearing as necessary. The decision
13 of the Hearing Officer shall be final upon adoption of an order containing its
14 determination.

15 g. The Hearing Officer's decision shall include that an aggrieved party may
16 file a petition for review with the California Superior Court, County of Lake,
17 pursuant to California Government Code Section 53069.4. The failure of a
18 responsible party to appear at the Administrative Citation hearing shall be
19 deemed a failure to exhaust administrative remedies.

20 Sec. 13-55. - Review of Board of Supervisor's Decision.

21 55.1 *Notice of Appeal.* Within twenty (20) days of service of the Board's
22 decision, a person may contest the decision by filing an appeal to be heard
23 by the Superior Court. There is a court filing fee which must be paid to file
24 the Notice of Appeal. Failure to file a written appeal and to pay the filing fee
25 within this time period shall constitute a waiver of the right to an appeal and
26 the decision shall be deemed confirmed. A copy of the Notice of Appeal shall
27 be served in person or by first class mail upon the Clerk of the Board of
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Supervisors;

55.2 Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the County's file in the case shall be received into evidence. A copy of the Notice of Imposition of Administrative Penalties and the Board's decision, shall be admitted into evidence as prima facie evidence of the fact stated therein.

The court shall request that the County's file on the case be forwarded to the court to be reviewed within fifteen (15) days of the request; and

55.3 Judgment. The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the Appellant(s), the amount of the fee, if paid, shall be reimbursed to the Appellant(s) by the County and any deposit of the fine or penalty shall be refunded by the County in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the Appellant(s), the County may proceed to collect the penalty pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

Sec. 13-56. - Payment and Collection of Administrative Penalties.

56.1 Any person(s) against whom an administrative penalty has been imposed shall pay the administrative penalty within twenty-five (25) days of service of the Notice of Imposition of Administrative Penalties, not appealed to the Board of Supervisors, or within ten (10) days of service of the Board of Supervisor's decision on appeal. The enforcement official may take the action set forth in this section to collect the unpaid penalties;

56.2 An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing the day after

1 payment is due.

2 56.3 The amount of any unpaid administrative penalty, plus interest, may be
3 declared a lien on any real property owned by the responsible party(ies)
4 within the County of Lake against whom an administrative penalty has been
5 imposed, as follows:

6 a. Notice shall be given to the responsible party(ies) prior to the recordation
7 of the lien, and shall be served in the same manner as provided for in
8 Section 13-6.2 for service of a Notice of Violation;

9 b. The lien shall attach when the Enforcement Officer records a Notice of
10 Lien listing the delinquent unpaid administrative penalties with the County
11 Recorder's office. The lien shall specify the amount of the lien, the date of
12 the code violations, the date of the final administrative decision, the street
13 address(es), legal description, and assessors parcel number of the parcel on
14 which the lien is imposed, and the name and address(es) of the record
15 owner of the parcel; and

16 c. In the event the lien is discharged, released, or satisfied, either through
17 payment or through foreclosure, notice of the discharge containing the
18 information specified in subparagraph [b] above shall be recorded by the
19 enforcement officer.

20 56.4 The amount of the unpaid administrative penalties, plus interest, may
21 be declared a special assessment against any real property owned by the
22 responsible party(s) within the County of Lake against whom an
23 administrative penalty has been imposed. The Board may impose the
24 special assessment on one or more parcels. The enforcement officer may
25 present a resolution to the Board to declare a special assessment, and upon
26 passage and adoption thereof shall cause a certified copy thereof to be
27 recorded with the County Recorder's office. The assessment may then be
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1 collected at the same time and in the same manner as ordinary taxes are
2 collected, and shall be subjected to the same penalties and the same
3 procedure and sale in the case of delinquent assessments as is provided for
4 ordinary property taxes; and

5 56.5 The amount of the unpaid administrative penalties, plus interest, may
6 be collected by commencement of a civil action to collect the said penalties.

7 56.6 The amount of the unpaid administrative penalties, plus interest, may
8 be collected by assignment of the amount owing to a collection agency.

9 56.7 The County may use any civil legal remedy available to collect any
10 unpaid Administrative Penalty including, but not limited to, injunctive relief,
11 Franchise Tax Board intercept, specific performance, and any and all of the
12 remedies heretofore described and described in Section 13.57 hereinbelow.
13 The County may assess additional fees to cover the costs of the collection of
14 any unpaid Administrative Penalty. The County may assigned the collection
15 of Administrative Penalties to a consultant under contract with the County
16 and operating on the County's behalf.

17 Sec. 13-57. - Non-Exclusive Remedies and Penalties.

18 57.1 All remedies and penalties provided for in this article shall be
19 cumulative and not exclusive. Enforcement by use of any administrative,
20 criminal or civil action, citation or administrative proceeding or abatement
21 remedy does not preclude the use of additional citations or other remedies
22 as authorized by other ordinance or law. Enforcement remedies may be
23 employed concurrently or consecutively. Conviction and punishment of,
24 payment of penalties by, or enforcement against any person hereunder shall
25 not relieve such person(s) from the responsibility of correcting, removing or
26 abating the violation, nor prevent the enforced correction, removal or
27 abatement thereof. Each and every day during any portion of which any
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1 violation of Lake County ordinances or the rules, regulations, orders, permits
2 or conditions of approval issued thereunder is committed, continued, or
3 permitted by such person(s), shall be deemed a separate and distinct
4 offense.

5 *57.2 Treble damages.* Upon a second or subsequent civil or criminal
6 judgment for a violation of a land use ordinance within a two-year period a
7 violator shall be liable to the county for treble the abatement costs, in
8 accordance with Government Code Section 25845.5, and as amended.

9 *57.3 Injunctive relief and abatement.* Whenever, in the judgment of the
10 Enforcement Official, any person is engaged in any act or practice which
11 constitutes a violation of any provision of a land use ordinance or any rule,
12 regulation, order, permit or conditions of approval, the County Counsel or
13 District Attorney may commence judicial proceedings for the abatement,
14 removal, correction and enjoinder thereof and require the violator to pay
15 civil penalties as set forth in this Article.

16 *57.4 Civil remedies and penalties.* Any person, whether acting as principal,
17 agent, employee, owner, lessor, lessee, tenant, occupant, operator,
18 contractor or otherwise, who willfully violates the provisions of any land use
19 ordinance or any rule, regulation, order or conditions of approval issued
20 thereunder by committing, causing, allowing, maintaining, continuing or
21 otherwise permitting a violation of any land use ordinance shall be liable for a
22 civil penalty not to exceed one thousand dollars (\$1,000.00) for each day or
23 portion thereof, that the violation continues to exist.

24 *57.5* Nothing in this Chapter shall be construed to prevent the County of
25 Lake from pursuing any and all other legal remedies that may be available,
26 including but not limited to civil actions filed by County Counsel seeking any
27 and all appropriate relief such as civil injunctions, penalties, and forfeiture.”
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1 Section 2: The proposed ordinance is exempt under CEQA Guidelines section
2 15061(b)(3) because it can be seen with certainty that the project will have no
3 significant effect on the environment, because the Ordinance restricts to certain
4 zoning areas what is already an allowed agricultural use and does not expand
5 allowable uses beyond those designated as agricultural. The Director of the
6 Community Development Department is directed to file a notice of exemption in
7 accordance with CEQA and the State CEQA Guidelines.

8 Section 4: All ordinances or parts of ordinances in conflict herewith are hereby
9 repealed to the extent of such conflict and no further.

10 Section 5: This ordinance shall take effect on the ____ day of ____, 2021 and
11 before the expiration of fifteen days after its passage, it shall be published at least
12 once in a newspaper of general circulation printed and published in the County of
13 Lake..

14 The Foregoing Ordinance was introduced before the Board of
15 Supervisors on the ____ day of ____, 2021, and passed by the
16 following vote on the ____ day of ____, 2021.

17 AYES:

18 NOES:

19 ABSENT OR NOT VOTING:

20 COUNTY OF LAKE

21
22 _____
23 Chair Board of Supervisors

24 ATTEST: CAROL J. HUTCHINGSON
25 Clerk of the Board of Supervisors

26 APPROVED AS TO FORM:
27 ANITA L. GRANT

28 By: _____
Deputy

By: _____