



# Board Agenda Item 9

DATE: October 11, 2016

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Code Enforcement - Priorities in Enforcement

RECOMMENDED ACTION:

**Consider and direct staff regarding enforcement of non-life/safety code violations.**

This item comes before the Board based upon direction received during consideration of an item on May 10, 2016 regarding proposed revisions to the County's Administrative Fine Ordinance in which the Board directed staff to return to discuss non-life/safety code violations.

ALTERNATIVE ACTION(s):

Determine not to provide direction to staff in which case the County existing code enforcement process would remain unchanged. It should be noted that pursuant to previous Board direction, staff continues to hold in abeyance all code enforcement activities related to accessory structure setbacks and fence violation.

FISCAL IMPACT:

Preparation of this Agenda Item and associated activities represents a Net County Cost that is included as part of the Department's code enforcement activities, which is budgeted in the Public Works and Planning Org 4360 Adopted Budget.

DISCUSSION:

The Department of Public Works and Planning, Development Services Division, is responsible for the enforcement of State and County Ordinances and Building Codes relating to health and safety. One of the main goals of the County's Code Enforcement Program is to bring to the attention of residential and business owners any existing Ordinance or Code Violation which could have a negative impact on safety or their neighborhood.

Staff's goal and approach in addressing outstanding code violations is to gain voluntary compliance. To this end, if a property owner is making reasonable efforts to resolve a violation, staff will hold in abeyance all enforcement efforts, including the issuance of citations. Only when a property owner fails to address the outstanding code violation will staff use the administrative abatement process.

During the aforementioned May 10, 2016 Board hearing, the Board approved revisions to the Administrative Fine Ordinance to allow the Director or designee to waive administrative citation fines pursuant to specified criteria. During discussion of the item, comments were made by a Supervisor regarding the type of code enforcement violation cases in process and that some cases may be non-health and safety and not worth the County's efforts to enforce. Staff then received direction to return to the Board for further discussion.

## **Outstanding Non-Life/Safety Code Violations**

Below is a list representing generally the types of active non-life/health safety code violations cases currently being processed by the Department.

- Fence exceeding three feet in height in the front yard setback
- Unmaintained/overgrown landscaping
- Keeping more than three domestic pets
- Parking/storage of a travel trailer within the front yard
- Parking vehicle on the front lawn
- Commercial truck parked in residential area
- Operating continuous yard sale/Having more than six yard sales in a 12 month period
- Selling golf carts from front yard
- Exceeding the hours of operation of Conditional Use Permit
- Accumulation of trash/debris in front yard
- Inoperative vehicle stored in front yard
- Keeping a horse in the RA (Residential Agriculture) District on a property less than 36,000 sq. ft.
- Selling produce not grown on the subject property
- Keeping of bees too close to a residence without an adequate source of water

It should be noted that while these violations typically represent non-life/health safety violations, even a violation related to fence height/setback can potentially result in a life/health issue if the fence obstructs visibility at either a driveway or street intersection.

With regard to the current enforcement process, staff notes that since adoption of the Administrative Fines Ordinance in 2008, there has been an increase of voluntary compliance from property owners with violations. However, there still remains a significant amount of instances where even increased amounts of citations have not discouraged continued violation. In these instances, litigation is generally the only vehicle to achieve compliance. However, even when litigation is initiated, the overall timeline still remains variable and ultimate abatement of the violation can take several months or years depending on the nature of the violation, the owner's response and/or the legal process. The Ordinance does provide for the recordation of a Notice of Violation against the subject property and a lien filed on property which provides for any unpaid final administrative fine or abatement costs, plus accrued interest, to be collected by a lien on any real property owned by a responsible person against whom an administrative fine or the abatement costs has been imposed. As directed by past Boards, general higher priority is given to the more severe life/health Zoning and Building Code violations.

## **Fine/Fee Waiver**

In the past, in an effort to encourage public participation and, pursuant to Board authorization, staff conducted two amnesty programs which were designed to allow property owners the opportunity to obtain a permit and make required improvements in order to resolve outstanding Building Code Violations within a specified amount of time, thereby relieving the property owner of any penalties that had been, or could have been, assessed as a result of the outstanding violation(s). Staff notes that with the recent adoption of the waiver provisions (June 7, 2016) authorizing the Director of the Department or designee to waive the fines and fees, an amnesty program is somewhat superseded by a permanent more customized approach to encouraging abatement and resolving violations. Staff has already initiated use of the waiver in this regard.

As indicated, the list above is a general example of non-life/health safety code enforcement cases. Pursuant to Board direction, staff requests direction regarding enforcement.

REFERENCE MATERIAL

BAI #47, June 7, 2016  
BAI #19, May 10, 2016  
BAI #12, April 17, 2012  
BAI #22, May 17, 2011

CAO ANALYST

John Hays