



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

<b>Short Name/Subject</b> Administrative Enforcement Procedures	<b>Board Meeting Date</b> May 22, 2018	<b>Agenda Number</b> <b>27</b>
<b>Dept:</b> Building <b>Div:</b> Code Compliance <b>Contact:</b> Ed Short <b>Phone:</b> 209/754-6390	<b>Supervisory District Number</b>	Regular Agenda
<b>Published Notice Required?</b> No <b>Public Hearing Required?</b> No		<b>Estimated Time:</b> 30 Minutes
<b>Type of Document?</b> Action Item <b>PowerPoint Presentation Included?</b> Yes <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Introduce and waive reading of the ordinance superseding and replacing the current Chapter 8.06 of the Calaveras County Code, "Public Abatement -- Property Maintenance Code."

**RECOMMENDATION:**

Introduce and waive reading of an ordinance repealing and replacing chapter 8.06.

**DISCUSSION/SUMMARY:**

Poorly maintained properties, substandard construction, illegal cannabis cultivation, abandoned vehicles, and other violations of local law can adversely impact property values, negatively affect relationships between neighbors, diminish our overall quality of life, endanger the environment, and, most importantly, threaten public safety.

The proposed ordinance, Chapter 8.06 - Property Maintenance and Administrative Enforcement Procedures, will repeal and replace the current Chapter 8.06. The procedures established in the proposed ordinance shall be in addition to criminal, civil, or any other legal remedies that may otherwise be pursued to address violations of the County Code and applicable state law.

It is the duty of the Chief Building Official and the mission of the Code Compliance Unit to protect the health and safety of the residents of Calaveras County through the prevention and abatement of public nuisances and by assuring that all property maintenance, land use, and building construction conforms to the County's Code of Ordinances. The new Chapter 8.06 will allow the code compliance unit to more successfully and cost-effectively carry out this mission.

The current Chapter 8.06 was adopted in February of 2017 to update our code enforcement procedures and practices, to address changes in state and local law, and to meet the unique challenges of cannabis enforcement. It established the County Office of Administrative Hearings to allow for expedited review of illegal commercial cannabis cases. As a consequence of the revised ordinance, Code Compliance was able to significantly increase its effectiveness in cannabis enforcement, standardize its procedures, and find efficiencies in covering this large County with a small staff. This new ordinance is a reflection of the lessons learned over the course of the last year and an effort to address the new and different challenges and burdens

that the Code Compliance Unit will undertake as it continues to carry out its mission.

The new 8.06 includes the following features:

- It integrates the cannabis enforcement team into the general code enforcement activities of the unit so that a comprehensive approach can be taken to address the many problems facing the County. For example, dealing with remediation of former cannabis cultivation sites or eradication of existing illegal grows generally involves a broad cross section of code violations from illegal grading and unpermitted structures to zoning violations. Existing enforcement procedures that segregate cannabis enforcement and conventional code enforcement activities have resulted in duplication of labor and paper work and slowed many important aspects of enforcement; these inefficiencies will be eliminated under the new Chapter 8.06.
- It transfers all code enforcement appeals from the Administrative Hearing Board to the Office of Administrative Hearings. This feature eliminates the dual track approach which sends cannabis cases through the hearing officer program and all other code cases to the administrative hearing board, which is the Planning Commission sitting as a code appeals board. The dual track process has been burdensome, time consuming, and inefficient. Integrating all code enforcement through one process will allow staff to take an all-encompassing approach to enforcement without dividing its minimal resources between cannabis enforcement and ordinary code enforcement.
- It clarifies and makes more accessible the requirements of the County Code, the appeal rights and due process procedures that are available to violators of the County Code
- It implements a fee structure and provides new tools for cost recovery and fine collection. The Code Compliance Unit is transitioning from a situation where more than five full time equivalent positions were paid for through the cannabis regulatory fee fund to a complete cost recovery model in which the Code Compliance Unit will be able to cover its own costs and eventually become an entirely general fund independent enterprise.
- It introduces a “Courtesy Notice” procedure that allows violators who are making reasonable, good faith efforts to cooperate with the County to come into compliance without incurring fines or costs. This procedure is designed to facilitate an amicable and non-punitive resolution of code cases where citizens, for reasons beyond their control, cannot comply with immediate orders to correct. The Courtesy Notice provisions of the code will allow an opportunity for the County Government to work with members of the community to resolve problems without unnecessarily penalizing elderly or indigent property owners, or others who are doing their best to comply with the requirements of the code, but who need additional time and assistance to cure code violations on their property.

**FINANCING:**

Administrative enforcement is financed by Building Department funds, administrative fines, fees, and/or abatement liens.

**ALTERNATIVES:**

The Board may choose to not adopt the ordinance as proposed.

**OTHER AGENCY INVOLVEMENT:**

County Counsel

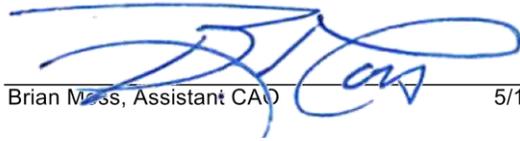
**APPROVED BY:**

Administrative Enforcement Procedures  
May 22, 2018

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Amanda Menchaca

5/4/2018

  
Brian Moss, Assistant CAO

5/11/2018

  
Diane Severud, Deputy Clerk of the Board of Supervisors

5/11/2018

  
Ethan Turner, Deputy County Counsel

5/14/2018