

ATTACHMENT "D"

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, BUILDING REGULATIONS, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING SECTION 116.2, COSTS OF ABATEMENT OR COMPLIANCE; TAX LIEN, TO ADDRESS COSTS ASSOCIATED WITH ENFORCEMENT RELATED ACTIONS AND TO PROVIDE AN APPEAL PROCESS FOR SUCH COSTS.

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

CHAPTER 10, Building Regulations, of the Santa Barbara County Code, is amended to amend Section 116.2 (Costs of Abatement or Compliance; Tax Lien) to read as follows:

Section 116.2. Costs of Abatement or Compliance; Tax Lien.

- A. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this Code, Chapter 14, Grading Code of the Santa Barbara County Code, any of the adopted California Codes, or the State Housing Law shall be liable for and obligated to pay to the County all costs incurred by the County in obtaining abatement or compliance which is attributable to or associated with the enforcement or abatement action, whether such action is administrative, injunctive, or legal, and for all damages suffered by the County, its agents, officers, and employees as a result of such violation or efforts to abate the violation.

When an administrative fine or penalty becomes a final administrative order pursuant to County Code Section 24A-7 or upon confirmation of the order pursuant to Government Code Section 53069.4(c), and at the subsequent conclusion of the enforcement action, the Director of Planning and Development shall send a summary of costs/billing statement associated with enforcement to the owner of the subject property and/or responsible party by certified mail, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended.

Any owner of the property who receives a summary of costs/billing statement shall have the right to a hearing before the Director of Planning and Development on their objections to the costs. The request for hearing shall be filed in writing within ten (10) working days of personal service or the date of mailing of the billing statement. The director shall hold a hearing on the objections within 30 days of the request for a hearing.

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In determining the validity of costs assessed, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered shall include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation or lack thereof provided by the owner; and whether reasonable minds can differ as to whether a violation exists.

In the event that no request for a hearing has been filed, or after a hearing, the Director determines the validity of the costs, the billing statement shall be a final order and the owner shall be liable to the County in the amount stated in the billing statement or as determined by the Director in the hearing.

- B. If the final order on a summary of costs has not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity pursuant to California Government Code section 54988 et seq.

SECTION 2:

Except as amended by this Ordinance, Chapter 10, Building Regulations, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 3:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Independent and the Santa Maria Times, newspapers of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

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ATTEST:

MONA MIYASATO
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By: _____
Deputy County Counsel