

ATTACHMENT "H"

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 14, GRADING CODE, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING SECTION 14-36, RECOVERY OF COSTS, 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 14, Grading Code, of the Santa Barbara County Code, is amended to amend Section 14-36 (Recovery of Costs) to read as follows:

**Sec. 14-36. Recovery of costs.**

- (a) The building official shall maintain records of all costs including, but not limited to, administrative, professional fees, court costs, attorney's fees, laboratory costs, remedial construction costs and other costs incurred in the processing of violations and enforcement of this chapter, and shall to the extent feasible, recover such costs from the owner of the property upon which the violation occurs, or other person responsible.
- (b) Any act or condition that violates this Chapter 14 shall constitute a public nuisance subject to abatement cost recovery procedures set forth in Government Code Section 54988. Upon investigation and determination that a violation of any of the provisions of this chapter exists, the building official shall notify the record owner or person in possession or control of the property, or other person responsible by mail, of the existence of the violation, the building official's intent to charge the person for all administrative costs associated with enforcement, and of the person's right to a hearing on objections thereto.
- (c) 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 building official shall send by certified mail, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended, a summary of costs associated with enforcement to the owner and to the person having possession or control of the subject property, or other responsible person, by mail, first class postage prepaid. Such summary shall include a notice of the right to a hearing before the Director of Planning and Development on the objections to the costs.

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- (d) Any request for hearing to be made upon the imposition of the charges proposed shall be filed with the building official within ten working days of the service of the summary of costs.
- (e) The Director of Planning and Development shall, schedule a hearing within thirty calendar days of receipt of such request for hearing. In the event that (1) no request for a hearing has been filed, or (2) after a hearing the Director determines the validity of the costs, the summary shall be a final order and the owner shall be liable to the County in the amount stated or as determined by the Director in the hearing.
- (f) In determining the validity of the costs assessed, the Director of Planning and Development shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered 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 provided by owner; and whether reasonable minds may differ as to whether a violation exists.
- (g) If the final order on the summary 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. Until all costs, fees and penalties assessed by the building official under this chapter are paid in full, no final inspections, certificates of completion, certificates of compliance, certificates of occupancy, conditional use permits, land use permits, or final map shall be issued by the planning and development department or other county agency.

### SECTION 2:

Except as amended by this Ordinance, Chapter 14, Grading Code, 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.

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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

ATTEST:

MONA MIYASATO  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
County Counsel

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Deputy County Counsel