

ATTACHMENT "I"

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14C, FILM PERMIT OFFICE, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING SECTION 14C-5.1, PENALTIES, AND SECTION 14C-20, VIOLATIONS OF THIS CHAPTER, TO ADDRESS COSTS ASSOCIATED WITH ENFORCMEENT 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 14C, Film Permit Office, of the Santa Barbara County Code, is amended to amend Section 14C-5.1 (Penalties) to read as follows:

Sec. 14C -5.1. Penalties.

The film permit office may issue a notice to cease and desist to any filming activity determined not to be in compliance with the provisions of this chapter. A ~~special investigation and processing fee~~penalty fee established in compliance with the County of Santa Barbara, Board of Supervisors' Building Fee Ordinance shall be assessed by ~~any or all county agencies involved the~~film permit office prior to recommencing of filming, and/or on permits issued after the filming activity has commenced and completed.

SECTION 2:

CHAPTER 14C, Film Permit Office, of the Santa Barbara County Code is amended to amend Section 14C-20 (Violations of this Chapter) to read as follows:

Sec. 14C-20. Violations of this chapter.

The violation of any provision of this chapter may be charged as a misdemeanor or an infraction at the discretion of the district attorney or may be enjoined as a public nuisance. Any violation of this chapter resulting in the creation of a public nuisance shall render the violator liable for civil fines not exceeding twenty-five thousand dollars for each day the violation continues. In any case, where a violation is prosecuted as an infraction or a misdemeanor, each day a violation continues shall constitute a separate offense.

Penalties for violations with the terms of this chapter shall be as provided in, but not limited to Chapters 1 (General Provisions) and Chapter 24A (Administrative Fines) of the Santa Barbara County Code.

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- A. Any person, whether as principal, agent, employee, or otherwise, who maintains any premises in violation of any provision of this Code 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.

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SECTION 3:

Except as amended by this Ordinance, Chapter 14C, Film Permit Office, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

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

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