

Code Enforcement Program

Planning & Development



SANTA BARBARA COUNTY

BOARD OF SUPERVISORS HEARING

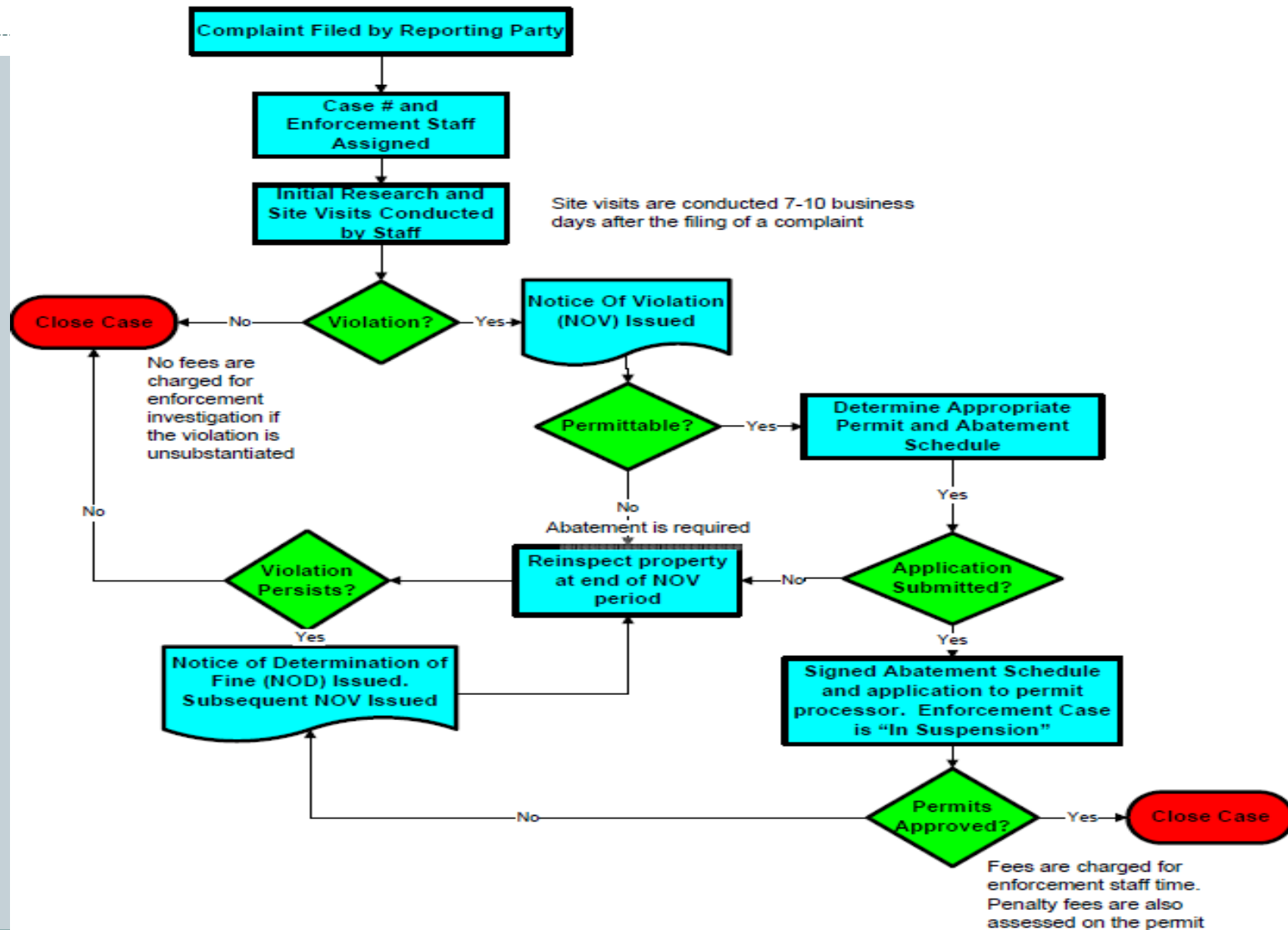
JANUARY 19, 2010

Today's Discussion Topics:



1. Code Enforcement Program briefing;
2. Penalty Fee Provision discussion; and
3. Overview of Ordinance amending Chapter 24A, Administrative Fines, of the Santa Barbara County Code.

1. Code Enforcement Program Process



Notices of Violations



- Issued per Chapter 24A
- Owners have 30 days to correct the violation
- Failure to correct results in a Notice of Determination of Fine
- Extensions are granted for valid reasons

Notices of Determination of Fines



- Issued per Chapter 24A
- Issued immediately after NOV expires
- A second NOV is issued simultaneously
- Fines are assessed at:
 - ✦ \$100 per day for first Notice of Violation
 - ✦ \$200 per day for second Notice of Violation
 - ✦ \$500 per day for third and any subsequent Notices of Violations

Abatement via Permitting



- **At Property Owner's election**
- **Requires an abatement schedule**
 - Abatement schedules set deadlines for various permitting milestones
 - Schedules may be revised for valid reasons
- **Enforcement action is suspended during permitting process**
- **Failure to follow the abatement schedule results in the issuance of Notice of Determination of Fines**

Enhancements to Code Enforcement



- Instituted a new progress billing process
- Suspended enforcement activity during permitting
- Instituted joint violation processing on complaints with both zoning *and* building violations
- Established abatement schedules for cases going through permit process
- Enhanced system tracking of NOVs and NODs
- Created a Code Enforcement Info page:

www.sbcountyplanning.org

2. Penalty Fee Provision Discussion



- Purpose is to deter owners from bypassing requirements of the County Code
- Two types of violations (Building and Zoning)
- Planning permits to correct zoning violations are subject to a penalty fee
 - “equal to all applicable permit fees up to \$2,000.”
- Building permits to correct building violations do not have a penalty provision

Board Options



- **Option 1 – Do nothing**
 - Building permits will not incur a penalty fee
 - Property owners may still be subject to fines and staff processing costs pursuant to Chapter 24A
- **Option 2 – Direct staff to implement a penalty fee provision in the Building Fee Schedule**

Option 2 - Penalty Fee Provision Options

Option	Description	Issues
Option 2a	<u>Mirror penalty provision for zoning violations</u> ➤ <i>“Penalty fee is equal to all applicable permit fees up to \$2,000”</i>	➤ Is a \$2,000 penalty cap sufficient as a deterrent? ➤ Board may elect to set a different maximum cap
Option 2b	<u>Double the permit fee without a maximum cap</u> ➤ <i>“Penalty fee is equal to all applicable permit fees”</i>	➤ Doubling permit fees without a cap could be excessive depending on the project
Option 2c	<u>Allow Building Official to cap at his discretion</u> ➤ <i>“Penalty fee is “equal to all applicable permit fees up to an appropriate amount as determined by the Building Official”</i>	➤ Penalty caps would be determined on a case-by-case basis ➤ Possibility for inconsistent treatment
Option 2d	<u>Set a fixed penalty fee</u> ➤ <i>“Penalty fee is set at \$_____”</i>	➤ Standard treatment of all violation cases regardless of egregiousness of the violation ➤ Depending on the amount set, could be considered excessive or insufficient as a deterrent

3. Recommended Amendments to Chapter 24A



1. Amendment to clarify contents of a Notice of Violation

“The notice of violation shall specify: (1) The conditions constituting violations ~~on the property...~~” (Section 24A-2(b)(1))

- Not all violations are “on the property”
- Violations to Chapter 35 (Zoning) may include violations of permit conditions
- Amendment will remove the reference to “on the property”

Recommended Amendments to Chapter 24A

(cont'd)



2. Amendment to allow alternate service methods for Notices of Violation

“Upon determining that a violation...exists...the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer”

(Section 24A-2(b))

Recommended Amendments to Chapter 24A

(cont'd)



2. Amendment to allow alternate service methods for Notices of Violation

“Upon determining that a violation...exists...the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended.”

- Allows service of Notice of Violation by leaving a copy at the owner's physical address, then mailing a copy to the owner by first class mail.

Recommended Amendments to Chapter 24A

(cont'd)



3. Amendment to allow alternate service methods for Notices of Determination of Fines

“After making a determination of the fine, the director shall transmit a notice of determination of fine by certified mail or personal service by a public officer to the person upon whom the fine has been imposed.” (Section 24A-6(b))

Recommended Amendments to Chapter 24A

(cont'd)



3. Amendment to allow alternate service methods for Notices of Determination of Fines

“After making a determination of the fine, the director shall transmit a notice of determination of fine by certified mail or personal service by a public officer, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended, to the person upon whom the fine has been imposed.”

- Allows service of Notice of Determination of Fine by leaving a copy at the physical location, then mailing a copy to the owner by first class mail.

Staff Recommendations



1. Receive and file this report;
2. Direct staff to implement a penalty provision for building permits;
3. Continue the introduction (first reading) of the ordinance amendment amending Chapter 24A to January 26, 2010; and
4. Set the adoption (second reading) of the ordinance amendment to February 2, 2010.

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