

Sec. L-II 5.21 Enforcement and Penalty for Violations

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~~F. **Enforcement.** A citation may only be issued when the Code Enforcement Officer has reasonable cause to believe that a violation of a statute or ordinance that the officer has a duty to enforce has occurred.~~

~~1. **Enforcement Activity; Remedies; Recordation.** Enforcement activity may include criminal prosecution, nuisance abatement, civil litigation, injunctive relief, and administrative citation pursuant to Section 53069.4 of the Government Code.~~

~~Upon commencement of a judicial or administrative action or proceeding to enforce the provisions of this Code which may affect the title to the possession of, or an interest in, real property, the Code Enforcement Division is authorized pursuant to Government Code Section 65908 to file a notice of the pendency of the action or proceeding in the Nevada County Clerk Recorder's Office, thereby making the enforcement activity affecting real property a matter of public record.~~

~~The various remedies provided in this Code are not exclusive, and are in addition to any other remedy or penalty provided by law.~~

~~The Code Enforcement Division is authorized to seek summary abatement of violations of this Code in order to protect the public from imminent danger.~~

~~2. **Cost Recovery on Violation.** Pursuant to Section 54988 of the Government Code, and pursuant to any other applicable state law, the County shall be entitled to recover fees, costs, and charges that have been incurred as a result of civil enforcement activity. Such fees and costs include, but are not limited to, administrative costs and attorney fees.~~

~~3. **Fees and Charges as Adopted by Resolution or Ordinance.** The fees and charges pertaining to code enforcement activity shall be those that are adopted by resolution or ordinance of the Board of Supervisors. They shall not exceed the actual cost that is incurred by the County.~~

~~4. **Pending Applications Where a Violation Continues.** No application for land use permit, construction permit, or land division shall be approved where an existing land use, structure, or parcel is being maintained on the same subject parcel in violation of any applicable provision of the Subdivision Map Act, Land Use and Development Code or any condition of approval of a land use permit, regardless of whether the application is unrelated to the Code violation, except where the application incorporates specific remedial measures to correct the violation, and correction will occur before establishment of the new proposed use or structure, or recordation of a final or parcel map in the case of a subdivision, and the violation does not pose an immediate risk to the health or safety of any occupants or the immediate public.~~

G. **Administrative Hearing Boards and Hearing Officers.** When an administrative hearing is required under this Article, the matter shall be assigned as follows:

1. **Hazardous Waste.** If the matter involves hazardous waste and is within the jurisdiction of the Certified Unified Program Agency [or "CUPA", a part of the State Unified Hazardous Waste and Hazardous Materials Management Regulatory Program; see Health and Safety Code Sections 25404, et seq.], the hearing officer shall be designated by the state Office of Administrative Hearings ["OAH"], under a county contract, pursuant to Government Code Section 27727, unless there is a state contract in effect to ensure payment of services by OAH.

2. **Building Standards.** If the matter falls within the jurisdiction of the Building Standards Board of Appeals (BSBA), a hearing may proceed before the BSBA. The Building Official and BSBA may take jurisdiction of all or part of any hearing after conferring with the Code Compliance Division Manager.

~~3. **Property Maintenance (Involuntary Abatement).** If the matter involves a hearing on involuntary abatement under Section 5.22 of this Article, a hearing officer shall be authorized by~~

~~assignment from a panel approved by the Board of Supervisors. The panel shall consist of two or three attorneys, each of whom has actively practiced law in California for at least five years.~~

4. **Penalty Assessment by Administrative Citation.** If the matter involves a hearing under Section 5.23 of this Article, the matter may be referred for an administrative hearing pursuant to L-II 5.23.~~N~~.

Sec. L-II 5.22 — Property Maintenance

A. ~~**Purpose.** The purpose of this Section is to establish an administrative procedure to remove conditions of property hereinafter described and declared to be public nuisances which have a blighting influence on properties in the vicinity and/or are detrimental to the health, safety and welfare of the residents of the County.~~

B. ~~**Condition Creating Public Nuisance.** The following condition is hereby declared to be a public nuisance:~~

1. ~~Any nuisance heretofore or hereafter defined as a nuisance by any ordinance of the County of Nevada, Section of the Nevada County code, Section of any adopted uniform code, resolution of the Board of Supervisors, or statutes of the State of California.~~
2. ~~Any condition of property which would materially hamper and interfere with the prevention or suppression of fire upon the premises or which may be detrimental to the health, safety and welfare of persons in the vicinity.~~

~~Exception: No agricultural activity, agricultural processing activity, operation, or facility or appurtenances thereof, as such is defined in California Civil Code Section 3482.5, is subject to this Section.~~

C. ~~**Director of Community Development Agency.** The Director of the Community Development Agency (CDA) is hereby designated to enforce this Chapter. Whenever a public nuisance as defined herein is alleged to exist anywhere within the unincorporated limits of the County of Nevada, the Director of CDA may exercise such powers that may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter. The Director of CDA may appoint and delegate the duties of such officers, agents, and employees as the Director deems necessary.~~

D. ~~**Duty to Abate.** No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist within the unincorporated limits of the County of Nevada. It shall be the duty of every owner, occupant, and person that controls any land or interest thereon within this jurisdiction to remove, abate, and prevent the reoccurrence of the public nuisance upon such land.~~

E. ~~**Procedure for Abating Public Nuisances Generally.**~~

1. ~~Whenever the Director of CDA determines that a public nuisance may exist the Director or his or her designee may order the public nuisance to be abated. If the condition(s) continue the Director of CDA may set the matter for hearing. If the matter is set for hearing, the Director shall post the property upon which the public nuisance exists and shall mail notices to those persons known to be in possession of the property and to persons shown on the last equalized county tax roll to be the owners of the property at least 10 days prior to the hearing. Both the mailed and posted notice shall be in substantially the following form:~~

Notice to Abate Nuisance

~~The owner(s) and occupants of real property described on the latest equalized Nevada County tax roll as A.P. No. _____ and having a street address of _____ is (are) hereby notified to appear before a hearing officer of the County of Nevada at (insert place), on _____, 19____, at the hour of ____ o'clock ____m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Nevada County Ordinance Code. After hearing, if a violation is found to exist, the cost of abating such violation, including, but not limited to, the cost of the hearing officer, the cost of prior time and expenses associated with bringing the matter~~

~~to hearing, the cost associated with any appeals from the decision of the hearing officer, the cost of judicially abating the violation, the cost of labor and material necessary to physically abate the violation, and the cost of Securing expert and other witnesses may become a lien against the subject property and also assessed against the property in the same manner as taxes. The abatement lien to be recorded shall have the same force and effect as an abstract of judgment that is recorded pursuant to a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.~~

~~In preparing for such hearing, you should be aware that after an initial showing by the Code Enforcement Officer you will have the burden of proving that no public nuisance exists on your property. In this connection, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not public nuisance as defined in the Nevada County Code. Copies of the ordinance and uniform hearing procedures relating to abatement hearings are enclosed to assist you in the preparation of your presentation.~~

~~A finding that a public nuisance exists on the property may result in an administrative decision ordering the abatement of uses on your property which are found to be a public nuisance. If the hearing officer finds that your property is in violation of the Nevada County Code, the County will contend that you are bound by such finding at any subsequent judicial action to enforce the abatement.~~

~~Important: Read This Notice Carefully. Failure To Appear And Respond At The Time Set Forth In This Notice Will Likely Result In Administrative Abatement And Termination Of Uses Of Your Property Which The CDA Director Contends Are In Violation Of The Nevada County Ordinance Code.~~

~~Dated: _____~~

~~Nevada County Community Development Agency Director~~

~~By: _____~~

~~Enclosure: Property Maintenance Ordinance, Uniform Hearing Procedures.~~

- ~~2. At the time and place set for the hearing, the hearing officer shall review the CDA Director's determination ordering cessation of the alleged public nuisance to determine whether such decision conforms to law and is supported by substantial evidence. The hearing officer shall hear testimony and receive written or documentary evidence relating to the alleged violation. Additional procedural rules may be adopted by resolution of the Board of Supervisors. The hearing officer shall tape record the hearing and shall preserve all photographs and other documentary evidence introduced at the time of the hearing. Within 30 days after the hearing is closed, the hearing officer shall render his or her decision relating to the existence or nonexistence of the alleged public nuisance. The decision shall include a statement of the costs incurred by the County in abating the violation, if a violation is found to exist and shall also include a demand that administrative costs of abatement incurred to date be paid to the County within 10 days. The decision shall contain findings of fact and conclusions of law. A copy of the decision shall be mailed by certified mail, to the owner of the parcel that is subject to the hearing, any occupant(s) of such parcel and the appellant.~~
- ~~3. The decision of the hearing officer shall be final. The hearing officer shall notify the clerk of the Board of Supervisors of his or her decision, the date upon which the decision became final and the last date upon which an appeal may be made. If the Board of Supervisors does not receive an appeal within ten (10) calendar days of receipt of the hearing officer's decision, it shall be deemed to have ratified and adopted the hearing officer's decision. If it is the decision of the hearing officer that a public nuisance exists, the owner of the property shall be responsible for paying all of the County's administrative abatement costs, including but not limited to, those cost items set forth in the notice required by subsection A.~~

- ~~4. Within the ten (10) calendar day period referred to in subsection C, the owner or occupant of the property, the Director of CDA, or any other interested person may appeal the decision of the Hearing Officer to the Nevada County Board of Supervisors if such individual or entity does all of the following:
 - ~~a. Delivers a written appeal to the Clerk of the Board of Supervisors within the ten (10) calendar day appeal period; and~~
 - ~~b. Within fifteen (15) days of being notified by the Clerk of the Board of Supervisors, the appellant shall deposit with the Clerk of the Board an amount of money equal to the estimated cost of transcribing the oral proceedings before the Hearing Officer and the cost of duplicating seven copies of the administrative record, including all exhibits introduced at the hearing. The appellant shall be responsible for the cost of the appeal and record; provided, however, that: (i) if the appellant is not the owner of the property, and the Board upholds the appeal and finds that a zoning violation exists, the costs of the appeal shall be paid by the property owner; and (ii) if the appellant is the owner of the property and the Board upholds the appeal and finds that no violation exists, then the costs of the appeal shall be borne by the County.~~~~
- ~~5. In the event of an appeal to the Board of Supervisors, the Board shall decide the appeal based solely on the administrative record and decision prepared by the Hearing Officer. The Board shall review the record and then adopt, reject or modify the decision of the Hearing Officer.~~
- ~~6. In the event of an appeal to the Board of Supervisors, the Board shall decide the appeal within ninety (90) days after receipt of the administrative record. Notice of the Board's decision shall be mailed to the property owner and those persons receiving notice pursuant to subsection A.~~
- ~~7. If a final decision of the Hearing Officer or the Board of Supervisors finds that a violation exists, the owner of the property shall be responsible for paying all of the County's administrative abatement costs, including, but not limited to, those cost items set forth in the notice required by subsection 1. Costs of abatement shall become a lien against the property as is authorized by the Government Code and the following paragraph:

The final decision shall also order that abatement costs that have been incurred to date shall be assessed against the property as provided by Government Code Section 25845(b) and that an abatement lien will be recorded as is authorized by Government Code Section 25845(c). The notice of abatement lien shall, at a minimum, identify the record owner or possessor of the property, set forth the date upon which abatement of the nuisance was ordered by the Hearing Officer or the Board of Supervisors, describe the real property subject to the lien, set forth the amount of the abatement costs incurred to date and, if applicable, the date upon which the abatement was complete. If the abatement has not yet been completed, the notice shall so state and shall also indicate that the lien is a partial lien and that additional abatement costs will be incurred in the future. It is the intent of the Board of Supervisors that abatement costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all abatement costs have been incurred and the abatement is complete, the CDA shall cause a supplemental notice of abatement lien to be recorded. The supplemental notice shall contain all of the information required for the original notice and shall also refer to the recordation date and the recorder's document number of the original notice.~~
- ~~8. Decisions of the hearing officer or Board of Supervisors shall order abatement within a time certain. The order may be recorded by the CDA. In the event of such recordation and in the further event that the violation is corrected, a notice of such correction shall be recorded. The Director of CDA is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for costs incurred during the administrative abatement process. The County may, in its discretion commence a judicial action to enjoin a violation of this chapter without the necessity of first going through the administrative procedures set forth herein.~~

- ~~F. **Recovery of Unpaid Costs.** As set forth in Section 5.22.E of this Article, the County may recover the administrative and physical costs of abatement and reasonable attorney fees. If, however, the property owner(s) responsible for the nuisance fails to pay the costs of abatement and attorney fees upon demand by the County, the County may recover its costs pursuant to Government Code Sections 25845 and 54988 as follows:~~
- ~~1. **Itemization of Costs.** Code Compliance Officials shall keep an itemized account, including all of the administrative and physical expenses incurred in abating any nuisance arising under this Article. Upon completing the abatement of a nuisance, Code Compliance Officials shall file an itemized account, including a description of the real property on which the building or structure is or was located, the name and address of the owner(s) of record as it appears on the most recent assessor's roll, and the possessors of the property.~~
 - ~~2. **Special Assessment Against the Parcel.** If the record owner(s) of the affected parcel does not pay the County's costs for abating a nuisance under this Article within forty-five (45) calendar days after receipt of a written demand by the County, the Board of Supervisors may order the costs of abatement to be specially assessed against the parcel. The owner shall have an opportunity to appear and be heard regarding the proposed action. The special assessment will be collected in the same manner and at the same time as County taxes, and will be subject to all laws applicable to the levy, collection, and enforcement of County taxes. In case of delinquency, the special assessment will be subject to the same penalties, including delinquency sale, as are ordinary County taxes.~~
 - ~~3. **Recordation of Notice of Abatement Lien.**~~
 - ~~a. If a special assessment is ordered, pursuant to paragraph (2) above, the Board of Supervisors may also order that a notice of abatement lien be recorded. The abatement lien shall include at least the following information: identity of the record owner(s) or possessor(s), the date the Board of Supervisors ordered the abatement, the date the abatement was completed, a description of the real property subject to the lien, and the total costs of abatement.~~
 - ~~b. If an abatement lien is not recorded on the affected parcel, and the parcel is later sold to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to the affected parcel, prior to the delinquent date for the first installment of County taxes, then the abatement costs shall not result in a lien against that real property but shall be transferred to the unsecured roll for collection.~~
 - ~~c. Recording a notice of abatement lien shall have the same effect as recordation of an abstract of money judgment recorded pursuant to Code of Civil Procedure 697.310, et seq. An abatement lien created has the same priority and effect as a judgment lien on real property until the lien is released. The Board of Supervisors may order an abatement lien created under this Section released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.~~
 - ~~4. The County may file an action in court to enforce decisions of a hearing officer or the Board of Supervisors to recover civil penalties and costs, and to pursue injunctive or any other lawful remedy. Any second or subsequent civil or criminal judgment rendered against a property owner within a two-year period subjects the property owner to treble the costs of the abatement, pursuant to Government Code Section 25845.5.~~
- ~~G. **Cumulative Remedy.** The administrative remedy provided herein shall not be exclusive and may be cumulative to any other remedy provided by law for maintenance of a public nuisance.~~
- ~~H. **Severability Clause.** If any Section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every Section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.~~

Sec. L-II 5.23 Administrative Enforcement

A. PURPOSE AND INTENT

The County of Nevada Board of Supervisors determines that the enforcement of this Code and any other ordinance of the County is an important public service and is vital to protecting the public. ;The Board of Supervisors further determines there is a need for alternative methods of code enforcement in addition to other enforcement options available. This Section is intended to promote the general health, safety and welfare of the public and provide uniform, fair, and efficient code enforcement and administration. The Board of Supervisors intends this Section to apply to the enforcement of all Code Violations, except as otherwise provided for by this Code or by any other law, regulation, or ordinance.

B. DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted to give them the meaning they have in common usage and to give this Section the most reasonable application.

1. ABATE or ABATEMENT shall mean an act used to remove, destroy, eliminate, size, impound, or any action taken to mitigate a PUBLIC NUISANCE. ABATEMENT includes any and all steps taken by the County to correct a PUBLIC NUISANCE or CODE VIOLATION, including, but not limited to, investigation, hearings, imposition of fines and penalties, acquisition of warrants, entry and physical correction of violations, and collection of any and all fines, penalties and/or costs of whatever kind or nature.
2. ADMINISTRATIVE COST(S) shall mean all costs incurred by or on behalf of the County regarding enforcement of this Code, from the first discovery of the violation of this Code through the appeal process and any court proceeding, and until compliance is achieved, including, but not limited to, staff time investigating the Code Violation, inspecting the property where the Code Violation occurred, acquisition of warrants, preparing investigative reports, sending notices of violations, administrative citations, and/or Abatement Orders, preparing for and attending any appeal or administrative hearing, collection of any and all fines, penalties, costs of abatement, and/or costs of whatever kind and nature, and attorneys' fees.
3. APPELLANT shall mean a Responsible Party who seeks an administrative hearing on a Notice of Violation, Abatement Order, administrative citation, and/or the imposition of administrative costs in the manner required by this Section.
4. CODE shall mean this Code or any other ordinance of the County, including any codes adopted by reference and any condition imposed upon issuing any permit, license, or other approval (e.g., subdivision map, use permit, variance, or zoning clearance) under this Code or any other ordinance of the County.
5. CODE VIOLATION(S) shall mean any violation of this CODE. CODE VIOLATION(S) shall also include any PUBLIC NUISANCE as determined by this Code.
6. ENFORCEMENT OFFICER means the Community Development Agency Director, Code Compliance Program Manager, Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state or federal laws.
7. HEARING BODY means a hearing body designated by the Board of Supervisors to conduct administrative hearings.
8. NOTICE OF VIOLATION. Any notice, including, but not limited to, an Abatement Order issued by an ENFORCEMENT OFFICER, that informs a Responsible Party that a Code Violation has occurred as defined in this Section.
9. PUBLIC NUISANCE shall mean:
 - a. Any public nuisance heretofore or hereafter defined as a public nuisance by any ordinance of the County of Nevada, Section of any Nevada County Code, Section of any adopted uniform code, resolution of the Board of Supervisors, or by other law.

- b. Any condition of property which would materially hamper and interfere with the prevention or suppression of fire upon the premises or which may be detrimental to the health, safety and welfare of persons in the vicinity.

Exception: No agricultural activity, agricultural processing activity, operation, or facility or appurtenances thereof, as defined in California Civil Code Section 3482.5, as may be amended, is subject to this Section.

10. RESPONSIBLE PARTY. Any of the following:

- a. A party, who by action or inaction, causes, maintains, permits or allows a Code Violation;
- b. A party, whose agent, employee, or independent contractor, by action or inaction, causes, maintains, permits or allows a Code Violation;
- c. An owner, in whole or in part, of real property on which a Code Violation occurs;
- d. A lessee or sublessee with the current right of possession of real property on which a Code Violation occurs;
- e. A person who uses real property on which a Code Violation occurs;
- f. An on-site manager who regularly works on real property on which a Code Violation occurs and who is responsible for the business or other activities on that real property;
- g. The owners, majority stockholders, corporate officers, trustees, general partners and any other party with the authority to act for a legal entity that is a responsible person under divisions (a) through (f) of this definition;
- h. If a party is a minor or incompetent, the parents, guardians, or legal representative of such party shall be deemed the Responsible Party; and
- i. Any other individual, association, co-partnership, political subdivision, public entity, municipality, industry, public or private corporation, firm, organization, partnership, joint venture or any other person or entity whatsoever whose act or omission caused or contributed to a violation of this Code.

C. NOTICE OF VIOLATION AND/OR ABATEMENT ORDER

- 1. Whenever an Enforcement Officer determines that a Code Violation exists, the Enforcement Officer may issue a Notice of Violation and/or an Abatement Order to any Responsible Party. The Notice of Violation and/or Abatement Order shall include:
 - a. A description of the condition creating or constituting the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
 - b. The address and APN where the Code Violation occurs;
 - c. The name(s) of the Responsible Part(ies), if known to the Enforcement Officer;
 - d. The date, and if applicable, time at which the Code Violation was observed;
 - e. If applicable, a list of any corrections to bring the property into compliance including, but not limited to, an Abatement Order;
 - f. A description of the procedure for requesting an administrative hearing to contest the Notice of Violation and/or Abatement Order;
 - g. A deadline by which to correct or Abate the Code Violation;
 - h. The signature of the Enforcement Officer issuing the Notice of Violation and/or Abatement Order;
 - i. Contain a statement that, unless the Responsible Part(ies) abate the Code Violation(s) or seeks an appeal within the time prescribed in the Notice, the Code Violation may be abated at the Responsible Parties' expense. It shall also state that the abatement costs, including

Administrative Costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll;

j. Contain a statement that all Responsible Parties shall be jointly and severally liable for all Abatement costs incurred by the County; and

k. The date the Notice of Violation and/or Abatement Order is served.

D. SERVICE OF NOTICE OF VIOLATION AND/OR ABATEMENT ORDER

1. A Notice of Violation and/or an Abatement Order may be served in one or more of the following ways:

a. An Enforcement Officer may personally serve the Notice of Violation and/or Abatement Order on the Responsible Party;

b. An Enforcement Officer may post a copy of the Notice of Violation and/or Abatement Order on the subject property in a conspicuous place for a property-related Code Violation and, in which case, the Enforcement Officer shall also mail a copy of the Notice of Violation and/or Abatement Order to the Responsible Party by first-class mail to the last known address of the Responsible Party and/or to any address which the Responsible Party has used in dealings with the County; or

c. Any other method reasonably calculated to provide actual notice to the Responsible Party.

2. Service of a Notice of Violation and/or an Abatement Order will be deemed complete upon either: the date of personal service or three days after the date of mailing by an Enforcement Officer.

E. AUTHORITY TO INSPECT

Enforcement Officers may enter upon any property or premises within the County as allowed by law to ascertain whether the provisions of this Code are being obeyed, and to make any examination and surveys as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs. If an owner or occupant of property or his or her agent refuses to consent to entry and inspection, an Enforcement Officer may seek an administrative inspection warrant to enter the property or premises for any lawful purpose.

F. ABATEMENT BY COUNTY

1. If, at the end of the time allowed for compliance in an Abatement Order or Notice of Violation, or, in cases of appeal, as specified by the Hearing Body, compliance has not been accomplished, the Enforcement Officer issuing the notice, or the agency of which he or she is an officer, may pursue a lawful abatement. The Enforcement Officer may proceed with the abatement of the Code Violations(s) and provide that Abatement be carried out by public officers or by employees of the County of Nevada or by a private contractor selected by the County of Nevada in accordance with applicable statutes. The cost of such removal and enforcement accompanied by a reasonable administrative charge may be imposed as an assessment in the County tax roll.

2. The costs so assessed shall be limited to the actual costs incurred by the Enforcement Officer and the County in enforcing the violation and abatement upon the subject parcel. Such costs may include, but are not limited to, the costs of all prior inspections, appeal hearings and other enforcement actions leading up to the abatement, payments to the contractor, costs of site inspection, costs of notice, boundary determination and measurement, costs for material disposal and all clerical, personnel, consultant, and other Administrative Costs.

G. NOTICE OF PENDING ADMINISTRATIVE ENFORCEMENT

An Enforcement Officer may record with the Nevada County Clerk-Recorder a notice against a property which is the subject of an administrative enforcement action to give notice to potential transferees of the property of Code Violations thereon. A notice of pending administration action shall be on a form approved by an Enforcement Officer and shall describe the nature of the administrative action and refer to the Code provision governing the pending administrative action.

H. ADMINISTRATIVE CITATIONS

3. If a Responsible Party violates this Code or fails to correct a Code Violation described in a Notice of Violation and/or an Abatement Order, an Enforcement Officer may issue an administrative citation, which may impose administrative fines and/or penalties, to each and every Responsible Party who knew or reasonably should have known of that Code Violation.
4. Except as otherwise provided by law or any other ordinance of this County, an Enforcement Officer may issue an administrative citation without first issuing a Notice of Violation or an Abatement Order.

I. CONTENTS OF ADMINISTRATIVE CITATION

1. An administrative citation shall include the following:
 - a. A description of the condition creating the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
 - b. The address and APN where the Code Violation occurs;
 - c. The name(s) of the Responsible Part(ies), if known, and any other involved persons;
 - d. The date and, if relevant, time at which the violation was observed;
 - e. The amount and due date of the fine and/or penalty;
 - f. A description of the procedure to pay the fine and/or penalty;
 - g. A description of the procedure for requesting an administrative hearing to contest the administrative citation;
 - h. If applicable, a list of any corrections to bring the property into compliance including, but not limited to, an Abatement Order;
 - i. A deadline by which to correct or Abate the Code Violation(s);
 - j. A statement that any unpaid fines and/or penalties may be placed as a special assessment or lien against the property where a Code Violation occurs or occurred;
 - k. The signature of the Enforcement Officer issuing the administrative citation;
 - l. The date the administrative citation was served;
 - m. Any other information deemed necessary for enforcement or collection of the administrative fines and/or penalties.
2. An Enforcement Officer may issue an administrative citation in conjunction with a Notice of Violation and/or an Abatement Order.

J. SERVICE OF ADMINISTRATIVE CITATIONS

An administrative citation may be served in one or more of the following ways:

1. An Enforcement Officer may personally serve the administrative citation on the Responsible Party. The Responsible Party is required to sign a copy of the administrative citation showing his or her receipt, but his or her failure to do so shall have no effect on the enforcement of the administrative citation;
2. An Enforcement Officer may post a copy of the administrative citation on the subject property in a conspicuous place for a property-related Code Violation and, in which case, the Enforcement Officer shall also mail a copy of the administrative citation to the Responsible Party by first-class mail to the last known address of the Responsible Party and/or to any address which the Responsible Party has used in dealings with the County; or
3. Any other method reasonably calculated to provide actual notice to the Responsible Party.

Service of an administrative citation will be deemed complete upon either: the date of personal service or three days after the date of mailing by an Enforcement Officer.

K. ADMINISTRATIVE FINES AND PENALTIES

Any violation of a provision of this Code, any code it adopts by reference, or other applicable law, may be subject to an administrative fine or penalty pursuant to this Section. This also includes any violation of any condition imposed upon the issuance of any permit, license, or other approval (e.g., subdivision map, use permit, variance, zoning clearance, etc.) pursuant to this Code.

1. Each and every Responsible Party regarding a Code Violation(s) is jointly and severally liable for all fines and/or penalties imposed for the Code Violation(s).
2. A Code Violation that exists for more than one day shall be considered a separate and distinct Code Violation for each and every day it exists. Each daily Code Violation may be subject to the maximum fine or penalty permitted under this Section.
3. An administrative citation may charge a Code Violation for one or more days on which a Code Violation exists or existed and for violation of one or more Code sections.
4. The administrative fines and penalties prescribed in this Section are in addition to, and do not preclude imposition of, any other remedies, whether criminal, civil, or administrative, available to the County. Imposition of administrative fines or penalties shall be at the sole discretion of the Enforcement Officer.

L. AMOUNT OF ADMINISTRATIVE FINES AND PENALTIES

1. For Code Violations that would otherwise be an infraction, administrative fines shall not exceed those listed in Government Code section 25132(b), as that section may be amended from time to time.
2. For Code Violations of local building and safety codes, administrative fines shall not exceed those listed in Government Code section 25132(c), as that section may be amended from time to time.
3. If the Code Violation pertains to building, plumbing, electrical, mechanical or other similar structural or zoning issues and does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the Responsible Party shall be provided a Notice of Violation which shall provide not less than 15 days from the date of service of the Notice of Violation to Abate or otherwise correct the Code Violation(s) prior to the imposition of an administrative fine or penalty. The determination of timely compliance, Abatement, mitigation or elimination of the Code Violation shall be made by the Enforcement Officer or other authorized County official.
4. Administrative fines and/or penalties not paid prior to their due date shall result in the imposition of a penalty and interest for every day of delinquency, as set forth in a resolution of the Board of Supervisors.
5. Each Responsible Party may be charged with a separate offense for each and every day during any portion of which any Code Violation is committed, continued or permitted by such Responsible Party.

M. PAYMENT OF FINES AND PENALTIES

1. Unless otherwise specified in an administrative citation, all fines and penalties are due within 21 calendar days of service of an administrative citation.
2. Fines and penalties shall be payable to the County at the Eric Rood Administrative Center, Code Compliance Division (Community Development Agency Counter) 950 Maidu Avenue, Nevada City, CA 95959, or to a collection agency if the fine and/or penalty has been assigned to a collection agency. Payment may be made by credit card, or by mailing the fine and/or penalty amount paid by check or money order to the County Clerk at the same address. Cash payments may only be made in person at the same address.

Payment of a fine or penalty pursuant to this Section shall not excuse or discharge any continued or repeated Code Violation.

N. CONSIDERATION IN OTHER PROCEEDINGS AND APPLICATIONS

1. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may consider the fact that a Responsible Party has been issued a Notice of Violation, Abatement Order, and/or administrative citation when determining whether to grant, suspend, revoke, or deny any permit, license, or other approval, regarding a matter related to the condition causing the Code Violation, and may consider such Notice of Violation, Abatement Order, and/or administrative citation to be evidence that the Responsible Party has committed acts that threaten the health, safety, and welfare of the general public.
2. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may impose a moratorium on issuing new, renewed, or revised permits, licenses, or other approvals on a parcel pending satisfactory resolution of a Notice of Violation, Abatement Order, and/or payment of an administrative citation regarding a Code Violation on the same subject parcel.

O. REQUEST FOR ADMINISTRATIVE HEARING

1. A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within five calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies.
2. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider.
3. The hearing on the appeal shall occur not more than 30 days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least 10 days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant.
4. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay a deposit the full amount of any fine and/or penalty imposed by a Notice of Violation, Abatement Order, and/or an administrative citation, in the event the fine and/or penalty has not yet been paid. No request for an administrative hearing shall be accepted without payment of the deposit of the fine and/or penalty amount at the time the administrative hearing request is filed. The County may waive or defer the fine and/or penalty upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply.
5. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.

P. ADMINISTRATIVE HEARING

1. The administrative hearing shall be conducted by the Hearing Body on the date, time, and location specified in the notice of hearing transmitted to the Appellant. Notice(s) of violation, Abatement Order(s), administrative citation(s), and other reports prepared by an Enforcement Officer concerning a Code Violation(s) shall be accepted by the Hearing Body as prima facie evidence of the facts stated in such documents. The Hearing Body shall allow the Appellant an opportunity to testify at an administrative hearing and to present evidence about any Code Violation specified in the Notice of Violation, Abatement Order, and/or administrative citation. The Enforcement Officer or other representatives of the County may, but are not required to, attend the administrative hearing.
2. The Hearing Body may continue an administrative hearing from time to time and allow an Appellant additional time to remedy a Code Violation. In addition, the Hearing Body may request additional information or evidence from the Appellant.

3. An administrative hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might consider such admission improper in a civil or criminal proceeding. Irrelevant or unduly repetitious evidence may be excluded at the discretion of the hearing body.
4. After considering all testimony and evidence submitted at the administrative hearing, the Hearing Body shall issue a written decision, or take the matter under submission and issue a written decision within 10 days of the hearing, and may affirm, modify or dismiss the notice(s) of violation, Abatement Order(s), and/or administrative citation(s). The decision shall include the Hearing Body's findings, as well as information regarding the Appellant's right to seek judicial review of the decision and the time in which to do so. The Clerk of the Board of Supervisors shall serve the Appellant and Enforcement Officer with a copy of the Hearing Body's written decision (the "notice of decision"). The decision of the Hearing Body shall be final. If the Hearing Body determines that the notice(s) of violation, Abatement Order(s), and/or administrative citation(s) should be affirmed, the fine and/or penalty amount on deposit with the County, if any, shall be retained by the County; otherwise, the County will refund the Appellant's deposit in full.

Q. JUDICIAL REVIEW

An Appellant may seek judicial review of a Hearing Body's decision by filing a petition for review with the Superior Court, pursuant to Government Code section 53069.4, within 20 days after service of the notice of decision on Appellant. For purposes of this section P, SERVICE means personal service or deposit in the mail, first-class, postage prepaid, and return receipt requested to the last known address of the Appellant and/or to any address which the Appellant has used in dealings with the County. Pursuant to Code of Civil Procedure section 1013, if the County serves a Hearing Body decision by mail, the time to file a petition for review in Superior Court shall be extended by five calendar days. Service shall be deemed completed on the date the notice of decision is postmarked.

R. COST ACCOUNTING, RECEIPTS AND NOTICE OF ASSESSMENT

The Enforcement Officer shall keep an itemized account of the costs of enforcing the provisions of this Section, and of the proceeds of the sale of any materials connected therewith. Upon completion of the abatement, the Enforcement Officer shall prepare a notice to be served on any Responsible Party as provided in Subsection K, herein and specifying:

1. Any abatement action taken (supported by before and after pictures);
2. An itemized account of the costs and receipts of performing the work;
3. An address, legal description, or other description sufficient to identify the property that was subject to abatement and/or lien;
4. The amount of the assessment proposed to be levied against the property, or the amount to be refunded, if any, due to excess proceeds over the expenses;
5. The time and place where the Enforcement Officer will submit the account to the Hearing Body for confirmation. The time and place specified shall be no less than fifteen (15) days after service of the notice;
6. A statement that the Hearing Body will hear and consider the account and any objections and protests to the account, and the proposed assessment or refund.

S. HEARING ON ACCOUNT AND PROPOSED LIEN

At the time and place fixed in the notice, the Hearing Body will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hearing Body may make such modifications and revisions of the proposed account and assessment as deemed just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised, and shall issue a written recommendation regarding the proposed lien to the Board of Supervisors. The Board of Supervisors may summarily adopt the recommendation of the Hearing Body without further notice of hearing or may set the matter for a de novo hearing in accordance with Government

Code section 25845(h). The determination of the Board of Supervisors as to all matters contained therein shall be final and conclusive.

T. NOTICE OF LIEN; RECORDATION OF LIEN; COLLECTION OF LIEN

1. Upon confirmation of an assessment by the Board of Supervisors, Code Compliance shall notify the affected Parcel owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board of Supervisors, and advise them that they may pay the account in full within thirty (30) days in order to avoid the lien being recorded against the parcel(s). If the lien amount is not paid by the date stated in the letter, Code Compliance shall prepare and have recorded a Notice of Lien with the Nevada County Clerk-Recorder's office.
2. The Notice of Lien shall contain:
 - a. A legal description, address and/or other description sufficient to identify the Parcel(s) to be lienied.
 - b. A description of the proceeding under which the special assessment was made, including the order of the Board of Supervisors under this code confirming the assessment.
 - c. The amount of the assessment.
 - d. A claim of lien upon the described Parcel(s).
3. Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described Parcel(s), pursuant to Government Code section 25845. Such lien shall be at parity with the liens of state and county taxes, to the extent allowed by applicable law.
4. The Board of Supervisors may authorize the Auditor-Controller to place the amount of the assessment on the next annual tax roll.
5. The amount set forth shall be subject to the same penalties and interest as ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment to the extent allowed by applicable law.
6. The County may pursue any and all legal and equitable remedies for the collection of fines, interest, Administrative Costs and attorney's fees incurred. Resort to any one remedy shall not foreclose subsequent or simultaneous resort to any other.

~~Sec. L-II 5.23 — Enforcement by Administrative Citation~~

~~A. **Definitions.** The following words shall have a specific meaning for purposes of this Section, as follows:~~

- ~~1. "Charge" means a late charge or interest charge imposed due to a Responsible Party's failure to make full and timely payment of money owed to the County.~~
- ~~2. "Citation" means an administrative citation which can be any written instrument authorized by an Enforcing Officer for the purpose of giving specific notice of a Code violation in accordance with this Section.~~
- ~~3. "Code" means the Nevada County Land Use and Development Code, the California Health and Safety Code, and such other codes and standards as are incorporated into this Code by Section L-V 1.4, with or without local amendment.~~
- ~~4. "Cost" means an expenditure of money by the County which has been incurred during enforcement actions against violations of this Code, including but not limited to administrative costs, staff time, and attorney fees.~~
- ~~5. "Day" or "Days" means a calendar day or calendar days.~~
- ~~6. "Enforcing Officer" means the Sheriff and his designees, or the Code Compliance Division Manager.~~
- ~~7. "Fine" means "administrative fines and penalties" as those terms are used in Sections 25132 and 53069.4 of the Government Code.~~

8. ~~“Fee” means the amount of money authorized by the Board of Supervisors pursuant to Section 25132, Sections 54985–54988, and Sections 66016 and 66018 of the Government Code in order to enable County recovery of the cost of services rendered in the course of enforcement action or remedial action against continuing violations, including but not limited to permit fees, fines, late charges, and interest.~~
9. ~~“Hearing Body” means the officer or board assigned to hear a matter as provided by Section 5.21.H of this Article. “Hearing Body” shall be deemed to be a hearing board under Section 54988(b) of the Government Code, or a housing appeals board under Section 17920.6 of the Health and Safety Code, or a board of appeals under Section 111 of the International Property Maintenance Code adopted by Article L-V of this Code.~~
10. ~~“Responsible Party” or “Responsible Parties” means those responsible for causing or continuing a nuisance or violation of this Code; this includes, but is not limited to, the property owner or the person in control of the premises, including any partnership, corporation, association, limited liability company, trust, firm, or other legal entity.~~
11. ~~“Superior Court” means the Superior Court of the State of California in and for the County of Nevada.~~

B. ~~The Administrative Citation Enforcement Process.~~

1. ~~A responsible party shall have a reasonable period of time after notice to correct a violation, unless there is a risk that the violation will create an immediate danger to the health, safety, or welfare of the responsible party or others.~~
2. ~~Where there is probable cause to believe that there exists a violation of this Code, an Enforcing Officer is hereby authorized to issue administrative citations to responsible parties.~~
3. ~~A violation of any provision of this Code is subject to an administrative fine. The administrative fine or penalty shall be \$100 for a first violation, \$250 for a second violation of the same Code Section on the subject parcel within one year, and \$500 for each additional violation of the same Code Section on the subject parcel within one year of the date of the first level citation.~~

C. ~~Contents of Citation.~~ Each citation shall contain at a minimum the following information:

1. ~~The date of violation(s), and the name of the citing enforcement officer;~~
2. ~~The address of the subject property, or a description sufficient to identify the location of the property where the violation was observed;~~
3. ~~The section(s) of this Code which has been violated, and a description of the violation(s);~~
4. ~~The amount of the fine for the Code violation, as provided in Section 5.23.B.3 of this Article;~~
5. ~~A description of how to pay the fine, including the date when a deposit of the fine is due, and to whom it is paid;~~
6. ~~A description of the citation process, including the time within which the citation may be reviewed and contested.~~

D. ~~Service of Citation.~~ A citation may be served by personal service, certified mail and/or first-class mail. If first-class mail is not returned to the sender, it shall be deemed to have been received seven days from the date of mailing.

E. ~~Citation Review.~~ A responsible party who is issued a citation may request a citation review within twenty-one (21) days of the date of service of the citation. The Planning Director or Sheriff shall approve the policy and procedures for citation review. The Planning Director, Sheriff, or their designees may conduct the citation review for their respective Departments provided, however, that the citation review designee shall be someone other than the citing enforcement officer, and the designee shall remain neutral and impartial with respect to his/her review of the merits of the citation. Upon completion of the citation review, the citation review designee shall have the authority to withdraw, affirm, or reduce the citation, including reducing the amount of

the fine. If the citation is affirmed or re-issued, the fine shall be due within fifteen (15) days from the date of mailing of the decision after citation review.

F. ~~Deposit of Fine; Hardship Waiver.~~ Unless there has been a timely request for citation review, the responsible party who is issued a citation and fine shall deposit the fine with the County within twenty-one (21) days from the date of the citation. A responsible party who has present financial inability to deposit the fine may make, in writing and under penalty of perjury, a hardship waiver request. The request shall be made on a financial declaration form that is approved by the Planning Director. The Planning Director, Sheriff, or their designees shall make a final determination whether to waive all or part of the deposit. The amount of deposit that is not waived shall be deposited within fifteen (15) days of the date of mailing of the decision on the hardship waiver request.

G. ~~Request for Administrative Hearing; Date.~~ A responsible party who is issued an administrative citation may request an administrative hearing to contest the citation. A citation review is not required prior to requesting an administrative hearing. A request for an administrative hearing must be received within twenty-one (21) days from service of the citation, or within fourteen (14) days from the mailing of the notice of decision after the citation review. The request shall include the deposit of the fine, unless a hardship waiver has been timely requested. The deposit must be made in the form of a certified check or cash (not personal check, credit card, or money order). The hearing date shall be set within sixty (60) days from the date of mailing of the request for a hearing. Written notice of the date, time, and location of the hearing shall be provided to the responsible party by personal service, or by mail post marked at least fifteen (15) days prior to the hearing date.

A responsible party's failure to request an administrative hearing may be deemed a waiver of the right to an administrative hearing by the responsible party when the Division has not received a timely request for a hearing, or a timely deposit of the fine, or a timely request for a hardship waiver.

H. ~~Conduct of the Administrative Hearing.~~

1. **~~Hearing Body.~~** An administrative hearing shall be held before an assigned, impartial Hearing Body, whose decision may be appealed to the Superior Court pursuant to Section 53069.4(b) of the Government Code. The Hearing Body shall be comprised of a Hearing Officer. The Hearing Officer shall be selected from a rotating panel of qualified individuals. The Hearing Officer shall remain neutral and impartial in his/her duties. The employment, performance, evaluation, compensation, benefits of the hearing officer, if any, shall not be directly or indirectly conditioned on or in any way related to the results or prior decisions issued by the hearing officer.

2. **~~Powers of Hearing Officers.~~** The Hearing Officer shall have those powers set forth in Sections 27721 and 27722 of the Government Code, including the power to decide a matter upon which a hearing has been held, the power to make findings of fact and conclusions of law required for the decision, the power to administer subpoenas, the power to receive evidence, the power to administer oaths, the power to rule on questions of law and the admissibility of evidence, and the power to prepare a record of the proceeding. The Hearing Officer shall continue a hearing only upon a showing of good cause.

3. **~~Fairness of Hearing.~~** Hearings shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned. The Administrative Hearing Officer shall, at a minimum, ensure that the parties have a reasonable opportunity to be heard regarding the violation, to present relevant evidence, and to have the opportunity to cross-examine any witnesses and controvert any evidence presented.

4. **~~Evidentiary Rules.~~** Pursuant to Government Code Section 11513, the administrative hearing need not be conducted according to technical rules relating to evidence and witnesses. Any evidence deemed relevant by the Hearing Officer shall be admissible if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Unduly repetitious or irrelevant evidence may be excluded at the discretion of the Hearing Officer.

~~Hearsay evidence may be admitted for purposes of supplementing or explaining other evidence, but over timely objection shall not be sufficient by itself to support a finding unless the hearsay would be admissible over objection in a civil action. Rules of privilege shall apply to the extent that they would be required by statute to be recognized at the hearing. The Hearing Officer shall reserve the right to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.~~

5. ~~**Hearing Procedures.** The Hearing Officer shall ordinarily proceed in the following order when conducting Administrative Citation Hearings;~~

a. ~~County staff's presentation shall proceed first, and may be presented orally, in writing, or a combination thereof. The presentation shall include identification of the property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues related to the Code violation(s), and a recommended decision.~~

b. ~~A presentation by or on behalf of the property owner if he/she so chooses.~~

c. ~~A presentation by tenants or other occupants of the subject property, if other than the owner.~~

d. ~~Other persons whose interests may be affected by the proceeding.~~

e. ~~The County shall be entitled to rebuttal.~~

~~During the course of the hearing, the Hearing Officer may question any witness. Cross examination of a witness by each party shall be permitted.~~

~~Visual materials and exhibits may be used if deemed relevant, and shall become part of the public record and property of the County, except upon stipulation of the parties that the originals may be returned. The Hearing Officer may establish reasonable time limits for presentations. Testimony shall be given under oath or affirmation.~~

~~At any time before the matter is deemed submitted for decision by the Hearing Officer, any interested party may submit written evidence or argument by providing one copy to the Hearing Officer and opposing party, and making one copy available for public review. Ex parte communication shall not be permitted.~~

~~After all of the testimony is taken, the Hearing Officer shall close the public hearing unless he or she deems it necessary to continue the hearing for receipt of additional evidence. At the conclusion of the hearing, the Hearing Officer shall take the matter under submission, and within 10 days of taking the matter under submission shall render a written decision, including any findings or conclusions required for that decision, and submit the decision and the record to the clerk of the Department administering the hearing process.~~

6. ~~**Field Trips.** Whenever the Hearing Officer finds that a view of the site where the alleged violation(s) occurred would be proper and would aid in the determination of the case, the Hearing Officer may proceed to the subject property. Following the view, the Hearing Officer shall state on the record the visual observations made and the conclusions drawn as a result of the visit.~~

7. ~~**Recording.** All proceedings shall be recorded by mechanical means. If a transcript of the proceeding is requested, the requesting party shall be responsible for the scheduling and payment of a court reporter to transcribe the hearing.~~

8. ~~**Recusal of Hearing Officer.** At the time the Administrative Citation Hearing is noticed, the name of the Hearing Officer shall be included in the notice. Within five (5) days of the notice being mailed, posted, or published, any individual desiring to recuse the Hearing Officer shall notify the Department administering the hearing process of the specific factual basis for seeking recusal. Failure to notify the Department administering the hearing process within the five day period shall be deemed a waiver of any right to recuse the assigned Hearing Officer at the Administrative Citation Hearing. In the event the Hearing Officer denies that a conflict of interest exists, the Planning Director, Sheriff, or their designees shall hear evidence, consider the matter, and render a decision regarding whether a conflict of interest exists.~~

- I. ~~**Final Administrative Order.**~~ If the Hearing Officer determines at the conclusion of the administrative hearing that the responsible party violated the Code, the Hearing Officer's order shall describe the violation(s) and may determine a penalty which may include fines, fees, costs, and charges. An order of the Hearing Body becomes final when it has been upheld on appeal or the time for appeal has run.

A final administrative order shall be served on the parties within ten (10) days after the hearing. If the order validates any part of the citation, then the parties shall be informed of the following:

1. ~~The final amount of any fine imposed by the Hearing Officer shall be determined and payable to the fiscal unit of the Department who issued the citation within thirty (30) days of the final order, and any deposit in excess of the fine shall be ordered to be returned. In the event that the responsible party seeks judicial review of the final administrative order, payment of any fines, fees, costs, or charges shall be stayed pending the decision of the Superior Court.~~
 2. ~~Pursuant to Section 53069.4(b) of the Government Code, a responsible party may seek judicial review of the final administrative hearing order or decision by filing a timely appeal with the Superior Court within twenty (20) days after service of the final administrative order. The Superior Court shall hear the appeal de novo, except that the contents of the Sheriff's or Code Compliance Division's file shall be received in evidence. If the decision of the court is against the responsible party, and the administrative fine has not been deposited within thirty (30) days of the court's final order, the County may proceed to collect the penalty pursuant to the procedures set forth in L-II 5.23.J.~~
- J. ~~**Payment and Collection of Administrative Penalty.**~~ In the event the responsible party fails to pay the administrative penalty and costs when due, the County may take any action permitted by law to collect the unpaid administrative penalty. Such action may include, but is not limited to, recordation of a lien on the subject property, including lien pursuant to Government Code Section 54988, or a small claims action for a civil money judgment. The County shall provide the owner of the property with a minimum of thirty (30) days written notice of intent to commence collection of the administrative penalty, including the intended method of collection. Notice shall be deemed to have been received by the responsible party five (5) days after it was sent by certified mail to the responsible party's last known address, upon which the responsible party will have forty-five (45) days to pay the penalty. If the responsible party fails to pay the penalty within forty-five (45) days of notice of intent to commence collection proceedings, the County is authorized to commence collection proceedings. If the method of collection is by lien, the responsible party may request to appear before the Board of Supervisors to be heard regarding the amount of the proposed lien.