



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

Building – Cannabis Division

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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: September 24, 2019

TO: Board of Supervisors

FROM: Jeff Merriman, Program Manager for Cannabis Compliance

SUBJECT: An Ordinance amending Article 5 of Chapter II of Title 3 of the Nevada County Land Use and Development Code regarding administrative enforcement

RECOMMENDATION: Introduce and waive further reading of the attached Ordinance amending Article 5 of Chapter II of Title 3 of the Nevada County Land Use and Development Code regarding administrative enforcement.

FUNDING: No impact to the General Fund would occur.

BACKGROUND:

The enforcement of this Code, any uniform or other code it adopts by reference, and any other ordinance of the County is an important public service and is vital to protecting the public. There is a need for alternative methods of code enforcement in addition to other enforcement options available. This Ordinance is intended to promote the general health, safety and welfare of the public and provide uniform, fair, and efficient code enforcement.

Government Code section 53069.4 authorizes the Board of Supervisors to, by ordinance, make violations of the Nevada County Code subject to an administrative fine or penalty, and to set forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of such administrative fines or penalties. Article 5 of Chapter II of Title 3 of the Nevada County Land Use and Development Code contains the County's current administrative enforcement procedures; that is, the procedures by which the County enforces its code without resort to a criminal or a civil court action.

These procedures provide an efficient and cost-effective means of enforcing municipal code violations through notices of violation, abatement orders, and imposition of fines and penalties. Under these procedures, County Staff identifies and corrects County code violations in-house.

In recent administrative enforcement actions, County staff have identified provisions of the current Article 5 in need of revision and updating including: (1) the amount and timing of fines and penalties, (2) when a notice of violation must be issued prior to imposition of a fine or penalty, and when this is discretionary, (3) when a notice of violation may be issued in conjunction with an administrative citation, (4) the procedures for administrative appeals, (5) the collection of delinquent fines and penalties and abatement costs, and (6) procedures related to administrative inspection warrants.

Based on the experience of County staff, this Ordinance amends certain provisions in Article 5 of Chapter II of Title 3 of the Land Use and Development Code, including wholesale replacement of the current Section L-II 5.23 to address these issues, provide clearer and easier to use administrative enforcement procedures, and correct other cross-references in the County Code. These administrative enforcement procedures are in addition to any other legal or equitable remedy available to the County under law.

The County's ultimate goal is compliance with the Nevada County Code, other codes incorporated into the Nevada County Code by reference, and other ordinances and, to that end, when appropriate, the County will seek to educate a responsible party first regarding the requirements thereof prior to the imposition of a fine and/or penalty or other enforcement action authorized hereby.

The proposed Ordinance will be used to enforce multiple provisions of the County code including public nuisances, building and safety code violations, illegal cannabis cultivation, use permit violations, substandard housing violations, solid waste violations, etc. The proposed updated ordinance fine and penalty structure is consistent with other County nuisance code sections.

This Ordinance incorporates by reference the fine and penalty amounts authorized by state law for violations of the County Code. This Ordinance also updates and clarifies procedures for administrative appeals.

ATTACHMENT: Exhibit A, Proposed Ordinance amending Article 5 of Chapter II of Title 3 of the Nevada County Land Use and Development Code regarding administrative enforcement.

Item Initiated By: Jeff Merriman, Program Manager for Cannabis Compliance
Approved by: Craig Griesbach, Building Director
Submitted: September 12, 2019