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SECTION 2. Chapter 2 of Division 1 of Title 1 of the San Bernardino County Code is repealed in its entirety.

SECTION 3. Chapter 2 is added to Division 1 of Title 1 of the San Bernardino County Code to read in its entirety as follows:

CHAPTER 2: VIOLATIONS AND ENFORCEMENT

Section

11.0201 Purposes and Remedies.

11.0202 Definitions.

11.0203 Enforcement Authority.

11.0204 Code Violations Generally.

11.0205 Written Orders.

11.0206 Criminal Actions.

11.0207 Civil Actions.

11.0208 Administrative Citation Actions.

11.0209 Abatement.

11.0210 Summary Abatements.

11.0211 Filing and Recording of Notices.

11.0212 Costs Incurred for Abatement.

11.0213 Collection of Unpaid Administrative Citations, Administrative Citations for Continuing Violations, and Administrative and Abatement Costs.

11.0214 Treble Damages.

11.0201 Purposes and Remedies.

The Board of Supervisors has determined that the enforcement of the Codified Ordinances of the County of San Bernardino (also known as the San Bernardino County Code) is an important public service and vital to the protection of the public's health,

safety, and quality of life. The Board of Supervisors has determined a need for alternative methods of enforcing the San Bernardino County Code (hereinafter referred to as this "Code"). At the discretion of the County, violations of this Code may be addressed through the institution of a criminal action, a civil action, and/or an administrative action as set forth in this Chapter.

11.0202 Definitions.

For the purposes of this Chapter certain words are defined as follows:

Administrative costs. All costs incurred by or on behalf of the County from the date of the initial discovery of the violation of the County Code through the applicable appeal process and until compliance is achieved. Administrative costs include, but are not limited to: contractor's costs, staff time in investigating the violation, staff and attorney time in preparing inspection or abatement warrants (where applicable), inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, correspondence, the cost of an administrative hearing officer (where applicable), and attorney's fees (where applicable).

Code Enforcement Officers. Pursuant to Penal Code sections 829.5 and 836.5, a Code Enforcement Officer is any County employee or agent appointed by the Chief Executive Officer working under the general direction of the Code Enforcement Chief who has the authority and duty to investigate and initiate any action necessary to ensure compliance with the provisions of the County Code, the provisions of any code adopted by reference by the County Code, and when designated by the County Code, parking laws and regulations.

Days. Consecutive, calendar days.

Enforcement officer. Any County employee, Special District employee, or agent of the County with the authority to enforce or administer any provision of the County Code, including, but not limited to:

- (a) Code Enforcement Officers

1 (b) The Building Official, each Regional Building and Safety Supervisor, each
2 Building Inspector, and other designated employees of the Building and Safety Division
3 of the Land Use Services Department;

4 (c) The Fire Chief/Fire Warden, the Fire Marshal, and other designated
5 employees of the San Bernardino County Fire Protection District;

6 (d) The Division Chief, each Inspector, and other designated employees of
7 the Environmental Health Services Division of the Department of Public Health;

8 (e) The Division Chief, each Animal Control Supervisor, each Animal Control
9 Officer, and other designated employees of the Animal Care and Control Division of the
10 Department of Public Health;

11 (f) The Sheriff-Coroner, each Deputy Sheriff (all ranks), and other designated
12 employees of the Sheriff's Department;

13 (g) The Director and other designated employees of the Public Works
14 Department;

15 (h) The Chief Executive Officer and any other director and other designated
16 employees of a County department or special district as designated by the Chief
17 Executive Officer, or the Board of Supervisors.

18 **Hearing officer.** Unless otherwise provided for in this chapter, a hearing officer
19 has the same meaning as defined by Chapter 27 of Division 2 of Title 1 of the County
20 Code.

21 **Interested parties.** Those individuals or entities with a recorded deed of trust,
22 assignment, lease, or other document showing a monetary interest in the property at
23 issue, and some ability or potential obligation to cure violations on the property
24 according to the recorded document. It does not include judgment lienholders.

25 **Person.** Means without limitation, any natural person, firm, association, club,
26 organization, corporation, partnership, business, trust, company or other entity.

27 **Responsible party.** Except as otherwise provided in Titles 1 through 8,
28 inclusive, a responsible party includes one or more of the following:

1 (a) Each person who has a legal or equitable ownership interest in any parcel
2 of real property located within the unincorporated area of the County (referred to also as
3 “owner”), whether or not the owner of record, and who commits, causes, or otherwise
4 allows a violation of the County Code to occur, exist, or continue on such parcel.

5 (b) Each person, other than a minor, who commits, causes, or otherwise
6 allows a violation of the County Code to occur, exist, or continue.

7 (c) Each person who is the parent or legal guardian of a minor person who
8 commits, causes, or otherwise allows a violation of the County Code to occur, exist, or
9 continue.

10 (d) Each person who, although not an owner, nevertheless has a legal right or
11 legal obligation to exercise possession and control over any parcel of real property
12 located within the unincorporated area of the County and who commits, causes, or
13 otherwise allows a violation of the County Code to occur, exist, or continue on such
14 parcel.

15 (e) Any business entity to whom a violation of the County Code is reasonably
16 attributable to that entity, in addition to any other responsible party. In such case
17 notices shall be issued in the name of the business entity as a responsible party.

18 (f) Each person who is an owner of a business entity as described in
19 subdivision (e).

20 **11.0203 Enforcement Authority.**

21 (a) *Jurisdiction.* Regardless of provisions of the County Code that would limit
22 authority to enforce provisions of the Code to specific departments, Enforcement
23 Officers are authorized to enforce all provisions of the County Code, the provisions of
24 any code adopted by reference by the County Code, and when designated by the
25 County Code, parking laws and regulations, except as otherwise provided by state law,
26 in the following areas:

27 (1) In the unincorporated area of the County, with the exception of
28 those areas owned by or under the jurisdiction of other governmental agencies, unless

1 allowed for by agreement, statute, or other applicable law;

2 (2) On property owned, leased, or operated by the County, anywhere
3 within the County; and

4 (3) Where the County has legal standing to enforce provisions of the
5 County Code or any other code, regulation or ordinance anywhere in the County.

6 (b) *Inspections.* Enforcement Officers are hereby authorized to enter upon
7 any property or premises within the Enforcement Officer's jurisdiction to investigate
8 violations of the County Code, and to make any inspection as may be necessary in the
9 performance of their enforcement duties. Such authorization is subject to constitutional
10 constraints and laws respecting the rights of privacy, in accordance with the provisions
11 of Code of Civil Procedure sections 1822.50 through 1822.59, as may be amended from
12 time to time, or the successor provisions thereto, and related case law.

13 **11.0204 Code Violations Generally.**

14 (a) *Declaration of Public Nuisance.* Each and every violation of the County
15 Code is hereby declared unlawful and a public nuisance.

16 (b) *Acts Including Causing, Aiding and Abetting.* Whenever in the County
17 Code any act or omission is made unlawful, it shall include causing, permitting, aiding or
18 abetting such act or omission.

19 (c) *Cumulative and Discretionary.* All remedies and penalties provided for in
20 the County Code shall be cumulative and discretionary and not exclusive of other
21 applicable provisions of the County Code or other applicable State or Federal law.

22 (d) *Continuing Violations.* Each and every day, and any portion of which, any
23 violation of the County Code is committed, continued, or permitted, shall be deemed a
24 new and separate offense and shall be punishable or actionable as set forth in this
25 Chapter.

26 (e) *Correction of Nuisance.*

27 (1) The conviction and punishment (whether by fine, imprisonment, or
28 both) of any person hereunder pursuant to a criminal action, or the imposition of a

monetary administrative penalty pursuant to an administrative citation (as defined in section 11.0208), shall not relieve such person from the responsibility of correcting, removing, or abating the violation; nor prevent the enforced correction, removal, or abatement thereof by the County, its employees, agents, or representatives.

(2) The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere shall not be grounds for dismissal of the action or for the waiver, stay, or reduction, of any fine established in this Chapter.

(3) The procedures established in this Chapter for the use of administrative citations, administrative abatement and summary abatement, and the procedures established in other titles and chapters of the County Code for administrative abatement and summary abatement as a means for addressing violations of the County Code, shall be in addition to criminal and civil or other legal or equitable remedies established by law which may be pursued to address violations of the County Code. The use of this Chapter shall be at the sole discretion of the County. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the County shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

(f) *Joint and Several Liability.* Where the violations arise from the joint actions of multiple responsible parties rather than the action of several responsible parties acting independently of one another, then the liability for administrative citations and/or abatement costs shall be joint and several.

11.0205 Written Orders.

(a) *Inspection and issuance of written order.* If an Enforcement Officer, after investigation, determines that one or more violations of the County Code exist on real property within the jurisdiction of the County, as defined in Section 11.0203(a), the County may cause to be served a written order upon each responsible party.

1 (b) *Contents of written order.* The written order shall be issued on a form
2 containing at least the following information:

3 (1) The name and mailing address of the responsible party.

4 (2) The date of the property inspection.

5 (3) The manner in which the conditions on the property or behavior
6 violate the County Code, or any state or federal code the County is authorized to
7 administratively enforce, and the specific provision that has been violated.

8 (4) The corrective actions required to abate the violation(s).

9 (5) A declaration that the violations are a public nuisance (hereinafter
10 “nuisance conditions”).

11 (6) An order stating that the responsible party shall abate the nuisance
12 conditions listed in the written order within a reasonable time determined by the issuing
13 officer in light of the circumstances. If the nuisance condition is a violation that poses
14 an immediate threat to health or safety or relates to a violation(s) of building, plumbing,
15 electrical, or other similar structural, health and safety, or zoning requirements that are
16 the result of, or to facilitate cannabis cultivation, the written order may provide for an
17 immediate correction deadline for that violation.

18 (7) A statement that failure to bring the property into compliance with
19 the County Code could subject the responsible party to any or all of the following
20 actions: administrative fines and penalties; County initiated abatement or summary
21 abatement; civil prosecution and penalties; criminal prosecution, including fines and/or
22 imprisonment; and/or the imposition of a lien and/or special tax assessment against the
23 property for abatement costs related to enforcement of the written order, including
24 administrative citations issued for failure to comply with a written order to the extent
25 provided by law.

26 (8) Identification of all appeal rights and instructions on how to appeal
27 the written order, including instructions regarding the advance deposit hardship waiver.

28 (9) A statement that failure on the part of the recipient to appeal the

1 written order shall constitute a waiver of the recipient's right to contest the written order
2 and will constitute a failure of the recipient to exhaust his administrative remedies.

3 (10) Reference to Section 11.0208(f)(5)(D)(IV) describing the evidence
4 permitted at the administrative hearing and considered by the hearing officer in reaching
5 a decision on appeal.

6 (11) A statement that "lessors cannot retaliate against a lessee pursuant
7 to Section 1942.5 of the Civil Code."

8 (12) The name, address, and telephone number of the County staff
9 member the responsible party may contact with questions regarding the written order.

10 The failure of the written order to set forth all required contents shall not
11 affect the validity of the proceedings.

12 (c) *Service of the written order.* Service of the written order shall be served
13 as follows:

14 (1) By U.S. mail, addressed to the owner or the owner's agent, at the
15 address shown on the current assessment roll and addressed to any other person
16 known to be in possession of the property at the street address of the property where
17 the nuisance exists, and,

18 (2) By posting the written order conspicuously in front of the property
19 on which, or in front of which, the nuisance exists, or if the property has no frontage, at
20 a conspicuous location on a roadway closest to the property most likely to give actual
21 notice to the owner and persons in possession of the property.

22 (d) *Right to abate nuisance conditions by responsible party.* Any responsible
23 party shall have the right to have the property rehabilitated or to have the listed
24 nuisance conditions abated in accordance with the written order, at his or her own
25 expense, provided the same is done prior to the expiration of the abatement period set
26 forth in the written order. Upon such abatement in full, abatement proceedings under
27 this ordinance shall terminate. Nothing in this section is intended to excuse an
28 owner/landlord from compliance with California landlord-tenant laws. Additionally,

nothing in this section is intended to require an owner/landlord to breach any written agreement with a tenant in possession of the property.

(e) *Appeal of the written order.* The right to and the procedure of any appeal of a written order shall be the same as the right and procedures of an appeal of an administrative citation located at Sections 11.0208(f) et seq., with the exception of those provisions specifically set forth below.

(1) Notwithstanding Section 11.0208(g), when conducting a hearing requested by a responsible party, including the property owner, to contest a written order, the hearing officer shall determine whether the enforcement officer has demonstrated there is substantial evidence of a public nuisance and whether additional action is necessary to abate the public nuisance. At the conclusion of the hearing, the hearing officer shall make written findings of fact and conclusions of law. The hearing officer's decision shall uphold or overrule, in whole or in part, the Enforcement Officer's determination that a public nuisance exists and whether additional action is necessary to prevent recurrence of the public nuisance. If the hearing officer determines the written order shall be enforced, the hearing officer shall determine a reasonable time for compliance and the decision shall specify a date by which the responsible party shall comply. The hearing officer shall file the decision with the Clerk of the Board of Supervisors within seven days of the conclusion of the hearing. The hearing officer's decision shall be final when it is filed with the Clerk of the Board of Supervisors. The Clerk of the Board of Supervisors shall send the decision to the appellant by U.S. mail and provide a copy to the relevant department. The judicial review provisions in section 11.0208(h) shall not apply to the appeal of a written order.

11.0206 Criminal Actions.

(a) *Criminal Penalties for Violations.* It is unlawful for any person to violate any provision of this Code, or to violate any provision of any permit issued pursuant to this Code, or the conditions of approval for such permit granted pursuant to this Code. Unless otherwise specified in another part of this Code, any person committing such

violation shall be deemed guilty of a misdemeanor.

(1) Misdemeanor Violations. Except as provided below, upon conviction of a misdemeanor, or upon a plea of nolo contendere (commonly called "no contest"), the penalty shall be a base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable State law or local ordinance shall be imposed in addition to the base fine. The court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case.

(A) Violations of Chapter 84.28. Any person violating any provision of Chapter 84.28 is guilty of a misdemeanor. Notwithstanding the foregoing, a misdemeanor violation may be cited, charged, and prosecuted as an infraction. Upon conviction of a misdemeanor, or upon a plea of nolo contendere (commonly called "no contest") involving misdemeanor violations of Chapter 84.28, the penalty shall be as follows:

(I) Any person convicted of a misdemeanor for operating a short-term residential rental unit without a valid permit in violation of Chapter 84.28 shall be punished by a base fine of up to \$1,000.00 upon a first conviction, by a base fine of up to \$2,000.00 for a second conviction, by a base fine of up to \$5,000.00 upon a third or subsequent conviction, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment;

(II) Any person convicted of a misdemeanor for operating a permitted short-term residential rental unit in violation of Chapter 84.28 shall be

1 punished by a base fine of up \$1,000.00 upon a first conviction, by a base fine of up to
2 \$2,000.00 upon a second conviction for violations occurring within a 12-month period,
3 by a base fine of up to \$5,000.00 upon a third or subsequent conviction for violations
4 occurring within a 12-month period, or by imprisonment in the County jail for a period of
5 not more than six months, or by both such base fine and imprisonment.

6 (B) Violations of Chapter 84.34. Upon conviction of a
7 misdemeanor, or upon a plea of nolo contendere (commonly called "no contest")
8 involving misdemeanor violations of Chapter 84.28, the penalty shall be as follows:

9 (I) Any person convicted of a misdemeanor for cannabis
10 cultivation in violation of Chapter 84.28 where the number of cannabis plants located on
11 the premises is less than 200 shall be punished by a base fine of up to \$1,000.00 upon
12 a first conviction; by a base fine of up to \$1,500.00 for a second conviction; by a base
13 fine of up to \$3,000.00 upon a third or subsequent conviction; by imprisonment in the
14 County jail for a period of not more than six months; or by both such base fine and
15 imprisonment;

16 (II) Any person convicted of a misdemeanor for
17 commercial cannabis activity related to operation of a dispensary, or delivery,
18 manufacturing, transportation, distribution, or cultivation where the number of cannabis
19 plants located on the premises is greater than 200 in violation of Chapter 84.28, shall be
20 punished by a base fine of up \$3,000.00 upon a first conviction; by a base fine of up to
21 \$6,000.00 upon a second conviction; by a base fine of up to \$10,000.00 upon a third or
22 subsequent conviction; or by imprisonment in the County jail for a period of not more
23 than six months; or by both such base fine and imprisonment.

24 (2) Infraction Violations. Notwithstanding the foregoing, a
25 misdemeanor violation may be cited, charged, and prosecuted as an infraction. Where
26 so prosecuted, or where specified in a section or chapter of this Code that the violation
27 of a certain section or sections shall be an infraction, then that shall be the type of
28 offense and each such violation shall be punishable, except as otherwise provided

herein, upon conviction or upon a plea of nolo contendere (commonly called “no contest”), by a base fine not exceeding \$100.00 for a first violation; a base fine not exceeding \$200.00 for a second violation of the same Code section within one year; and a base fine not exceeding \$500.00 for each additional violation of the same Code section within one year of the first violation. However, violations of building and safety provisions of this Code cited, charged, and prosecuted as infractions shall be punishable by a base fine not exceeding \$100.00 for a first violation; a base fine not exceeding \$500.00 for a second violation of the same Code section within one year; and a base fine not exceeding \$1,000.00 for each additional violation of the same Code section within one year of the first violation. The maximum fines imposed in this Section are based upon the provisions of Government Code section 25132 and will be increased automatically and without amendment to this Section upon any amendment to Government Code section 25132 increasing the amount of fines permitted. Any court costs that the court may otherwise be required to impose pursuant to applicable State law or local ordinance shall be imposed in addition to the base fine.

(b) Criminal Citations.

(1) If any person is arrested by a peace officer, fire marshal, fire prevention officer, code enforcement officer, animal control officer, public health officer, or any other officer authorized to enforce this Code for a violation of any provision of this Code (hereinafter “arresting officer”), whether punishable as a misdemeanor or as an infraction, the arresting officer shall issue a notice to appear (the citation) to such person, pursuant to Penal Code sections 853.5 and 853.6, and request that the person sign the notice to appear, which shall constitute the person’s written promise to appear in court. After obtaining the written promise to appear, the arresting officer must immediately release the person.

(2) If the person cited refuses to sign the notice to appear, the arresting officer, unless the arresting officer is a sworn peace officer, must immediately release the person and refer the matter to the Office of County Counsel or other appropriate

agency for appropriate action.

11.0207 Civil Actions.

(a) Injunctive Relief and Abatement. At the request of any person authorized to enforce this Code, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Code, or any permit issued pursuant to this Code, or any condition(s) of approval for such permit granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

(b) Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee, owner, lessor, lessee, landlord, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Code, or any permit issued pursuant to this Code, or any condition(s) of approval for such permit granted pursuant thereto, shall be liable for a civil penalty not to exceed \$1,000.00 per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred or was repeated; the assets, liabilities, and net worth of the violator; whether the violator is a corporate entity or an individual; and any corrective action taken by the violator.

(c) Attorney's Fees and Costs of Enforcement. In any civil action brought by the County, including but not limited to a proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order, attorney's fees and costs of enforcement may be recovered by the prevailing party. Such recovered attorney's fees shall not exceed the amount of reasonable attorney's

1 fees incurred by the County in that action or proceeding (Government Code section
2 25845). Costs of enforcement shall include, but not be limited to, administrative costs
3 and any and all costs incurred in the physical abatement of any nuisance and any and
4 all costs incurred by the County in the correction or remedying of a violation of this
5 Code. Notwithstanding the above language, no attorney's fees shall be recovered in
6 any administrative proceeding held pursuant to Section 11.0208 or any related appeal
7 to the Superior Court or the Courts of Appeal.

8 **11.0208 Administrative Citation Actions.**

9 (a) *Application.* All violations of any provision of the "Codified Ordinances of
10 the County of San Bernardino," more commonly known as the San Bernardino County
11 Code, Titles 1 through 8, inclusive, and hereinafter to include any and all additional titles
12 as may be enacted and adopted by the County of San Bernardino Board of Supervisors,
13 are subject to enforcement through the use of administrative citations in accordance
14 with Government Code section 53069.4 and this Section. Administrative citations may
15 be issued for any violation of this Code including but not limited to those violations not
16 occurring in the presence of the Enforcement Officer (as defined below) issuing the
17 citation where the issuing officer determines through investigation that the responsible
18 party (as defined below) committed, caused, allowed, or is otherwise responsible for the
19 violation. The following procedures shall govern the imposition, enforcement, collection,
20 administrative review, and judicial review of administrative citations and penalties.

21 (b) *Issuance.* Upon discovering that a violation of the County Code exists on
22 a property, an enforcement officer may issue an administrative citation which shall state
23 the violation(s) and the penalty to be paid by the responsible party.

24 (c) *Content of Citation.* The administrative citation shall be issued on a form
25 approved by the County Executive Officer in consultation with County Counsel. The
26 administrative citation form may be tailored to the specific needs of the issuing
27 department as approved by the County Executive Officer; however, all administrative
28 citations regardless of the issuing County Department shall contain the following

1 information:

2 (1) The name and mailing address of the responsible party.

3 (2) A reference to the date(s) and location of the violation and the
4 approximate time(s), if applicable, that the violation was observed.

5 (3) The identification of each violation by the applicable Section
6 number of the County Code and by either the Section's title or a brief descriptive
7 caption; or by reference to the applicable permit describing the condition violated.

8 (4) A description of the action(s) required to correct the violations.

9 (5) A requirement that the responsible party to immediately correct the
10 violation where appropriate or otherwise indicate a reasonable compliance deadline
11 date and shall explain the consequences of failure to correct the violation.

12 (6) The amount, if any, of the penalty imposed for the violation.
13 Multiple violations may be listed on the same citation form. In the event of multiple
14 violations, the administrative citation shall list the penalty amount, if any, for each
15 violation and the total of all of the penalties. For continuing violations pertaining to
16 building, plumbing, electrical, or other similar structural or zoning issues, and where
17 such continuing violations do not create an immediate danger to health or safety, the
18 administrative citation shall provide for a reasonable period of time to correct or
19 otherwise remedy the violation prior to the imposition of the penalty. For such violations
20 that pose an immediate danger to health or safety, the penalty may be imposed
21 immediately.

22 (A) Notwithstanding the above, where the continuing violation
23 concerns violations of building, plumbing, electrical, or other similar structural, health
24 and safety, or zoning requirements that exist as a result of, or to facilitate, the illegal
25 cultivation of cannabis, the penalty may be imposed immediately unless a property
26 owner or their agent has presented sufficient evidence to the Enforcement Officer or
27 hearing officer to satisfy the requirements of Government Code section
28 53069.4(a)(2)(C).

1 (7) A notation box for the enforcement officer to indicate whether or not
2 the citation is issued as a “warning only” and without penalty. The administrative
3 citation shall also include a notation box that may be used by the enforcement officer to
4 indicate that the penalty will be waived if the violation is corrected by the compliance
5 deadline date indicated on the citation form.

6 (8) An explanation of how the penalty shall be paid and the time period
7 by which it shall be paid, and the consequences of failure to pay the penalty within this
8 time period.

9 (9) Identify all appeal rights and include instructions on how to appeal
10 the citation, including instructions regarding the advance deposit hardship waiver.

11 (10) The printed name and the signature of the enforcement officer
12 issuing the citation and, where reasonably possible to obtain it, the signature of the
13 responsible party (or managing employee if the responsible party is a business entity), if
14 he or she can be located, as set forth in subsection (d) below.

15 (d) *Service of Citation.*

16 (1) If the responsible party is present at the scene of the violation, the
17 Enforcement Officer shall attempt to obtain their signature on the administrative citation
18 and shall deliver a copy of the administrative citation to them.

19 (2) If the responsible party is a business, and the business owner is on
20 the premises, the Enforcement Officer shall attempt to deliver the administrative citation
21 to the business owner. If the Enforcement Officer is unable to serve the business owner
22 on the premises and the Enforcement Officer can only locate the manager or on-site
23 supervisor, the administrative citation may be issued in the name of the business and a
24 copy given to the manager or on-site supervisor. A copy of the administrative citation
25 shall also be mailed to the business owner by certified mail, return receipt requested,
26 and by first class mail. If a copy of the administrative citation that is sent by certified
27 mail is returned by the United States Postal Service unsigned or marked “unclaimed”
28 and/or “refused,” then service by first class mail shall be deemed effective provided it is

also not returned by the United States Postal Service.

(3) If a responsible party cannot be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property, if practicable, and a copy mailed by certified mail, return receipt requested, and by first class mail, to each responsible party at their last known addresses as they appear on the last County equalized assessment role, or any other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused," then service by first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.

(4) The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

(e) *Administrative Penalties and Costs.*

(1) Unless otherwise provided in the County Code or as indicated below, the amount of penalty to be imposed for a violation of the County Code and assessed by means of an administrative citation shall be in the maximum amounts set forth in Government Code section 25132 and will be increased automatically and without amendment to this Section upon any amendment to Government Code section 25132 increasing the maximum amount of fines permitted.

(A) If the violation concerns a short-term residential rental subject to Chapter 84.28, the following fines shall apply:

(I) Any person operating a short-term residential rental without a valid permit in violation of Chapter 84.28, the citation fine amount shall be \$1,000.00 per violation per day accruing until the violator indicates, and Code Enforcement confirms, the violation has been abated;

(II) Any person operating a permitted short-term residential rental in violation of Chapter 84.28, the citation fine amount shall be

\$1,000.00 for a first citation, \$2,000.00 for a second citation for violations occurring within a twelve-month period, and \$5,000.00 upon a third or subsequent citation for violations occurring within a twelve-month period.

(B) If the violation concerns commercial cannabis activity subject to Chapter 84.34, the following fines shall apply:

(I) If the commercial cannabis activity occurring on a property involves the cultivation of cannabis not authorized by Sections 84.34.040 and 84.34.050, and the number of cannabis plants located on the premises does not exceed 200, the citation fine amount shall be \$1,000.00 for a first citation; \$1,500.00 for a second citation; and \$3,000.00 upon a third or subsequent citation;

(II) If the commercial cannabis activity occurring on a property involves the cultivation of cannabis and the number of cannabis plants located on the premises exceeds 200, the citation fine amount shall be \$3,000.00 for a first citation; \$6,000.00 for a second citation; and \$10,000.00 upon a third or subsequent citation;

(III) If the commercial cannabis activity occurring on a property involves the operation of a dispensary, or delivery, manufacturing, transportation or distribution, as defined in section 84.34.020, the citation fine amount shall be \$3,000.00 for a first citation; \$6,000.00 for a second citation; and \$10,000.00 upon a third or subsequent citation.

(2) If the violation is not corrected within the time limits established in the County Code, then additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

(A) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County.

(B) The penalties assessed shall be due to the County (or to the County's designated collection/processing agent for the issuing County Department or Special District Department) within 30 calendar days from the date the administrative

1 citation is issued.

2 (C) Except as provided below, any person who fails to pay to the
3 County (or the County's designated collection/processing agent for the issuing County
4 Department) any penalty imposed pursuant to the provisions of this Chapter shall be
5 liable for payment of the applicable late payment charges as follows:

6 (I) For payments received within 30 days after the due
7 date, a late fee in the amount of 50 percent of the administrative fine is due.

8 (II) For payments received more than 30 days after the
9 due date, a late fee in the amount of 50 percent of the original administrative fine is due,
10 plus an additional 50 percent of the original administrative fine is due.

11 (D) The County may collect any past due administrative citation
12 penalty or late payment charge by use of any available means, including without
13 limitation, the recording of a notice of lien, describing the real property affected and the
14 amount of the costs and administrative citation penalties claimed by the County with the
15 Office of the County Recorder. The County may transmit notice of the award of
16 administrative costs and administrative citation penalties, or notice of the judgment
17 thereon arising from a collection or other legal action, to the Treasurer/Tax Collector
18 who shall place the amount thereof on the assessment role as a special assessment to
19 be paid with County taxes, unless sooner paid. The County may also recover its
20 collection costs. A judgment or award of such costs, penalties or damages may be
21 enforced as set forth above and may also be enforced in any other manner provided by
22 law.

23 (E) In any appeal hearing, the issuing County Department may
24 also recover its administrative costs incurred in investigating, inspecting, and abating or
25 remedying the violation of the County Code, in attempting to collect any and all
26 penalties and late fees, and in defending the citation at the appeal hearing.

27 (F) All administrative citation penalties collected pursuant to
28 these provisions shall be deposited into specific funds maintained by or on behalf of the

1 respective issuing County Departments for the purpose of funding their enforcement of
2 the County Code.

3 (f) *Appeal of Administrative Citation.*

4 (1) Notice of Appeal. Any responsible party in whose name an
5 administrative citation has been issued may appeal the administrative citation by filing a
6 written notice of appeal with the County Department that issued the administrative
7 citation. If the issuing County Department has designated a processing agent, then the
8 responsible party shall file their written notice of appeal with the issuing County
9 Department's designated processing agent. The written notice of appeal must be filed
10 within 20 calendar days of the date the administrative citation was served in a manner
11 set forth in subsection (d) of this Section. The written notice of appeal shall be filed
12 together with an advance deposit, consisting of a cashier's check, for the full amount of
13 the penalty stated on the administrative citation. Failure to file a written notice of appeal
14 and the full amount of the advance deposit within this time period shall constitute a
15 waiver of the right to appeal the administrative citation.

16 (2) Advance Deposit Hardship Waiver. Any person intending to appeal
17 an administrative citation and who is financially unable to make the advance deposit as
18 required by this Section may file a written request for an advance deposit hardship
19 waiver. The written request must be filed prior to filing the notice of appeal. The written
20 request shall be filed with the issuing County Department. A County-approved form
21 shall be made for this purpose. The person requesting the advance deposit hardship
22 waiver shall indicate on the corresponding notice of appeal that an advance deposit
23 hardship waiver request has been submitted.

24 (3) Advance Deposit Hardship Waiver Evaluation Procedures.
25 Pending a decision by the County Department's Director, or the Director's designee to
26 grant or deny the request, the advance deposit requirement shall be stayed and no
27 administrative hearing shall be scheduled. The Director, or the Director's designee,
28 may waive the advance deposit requirement and issue a waiver only if the person

1 requesting the waiver submits to the Director's attention a sworn affidavit, together with
2 any supporting documents or materials, reasonably demonstrating to the Director the
3 person's actual financial inability to submit the advance deposit in advance of the
4 appeal hearing. Within ten days of receipt of the advance deposit hardship waiver
5 request, the Director or the Director's designee shall issue a written decision to grant or
6 deny the request. If the request is denied the written decision shall explain the
7 reason(s) for denial of the waiver and shall state the due date for payment of the
8 advance deposit. The written decision of the Director, or the Director's designee, shall
9 be sent via first class mail to the requesting party and shall be final. An administrative
10 hearing shall not be scheduled until the advance deposit is received. If the request is
11 denied and the advance deposit is not remitted within the time frame indicated in the
12 written decision, the right to an appeal shall be deemed waived and payment of the
13 administrative penalty shall become due immediately. The amount due shall be subject
14 to all applicable late fees, which shall accrue from the original due date as indicated on
15 the administrative citation.

16 (4) Contents of Notice of Appeal. The notice of appeal shall be
17 submitted on County-approved forms and shall contain the following information:

18 (A) A brief statement setting forth the appealing person's
19 (hereinafter "appellant") interest in the proceedings;

20 (B) A brief statement of the material facts which the appellant
21 claims supports their contention that they did not commit, cause, or otherwise allow a
22 violation of one or more provisions of Titles 1 through 7, inclusive, of this Code to occur,
23 exist, or continue as alleged in the administrative citation at issue; or that they are not a
24 responsible party as defined at Section 11.0208(b)(7) of this Chapter.

25 (C) A mailing address at which the appellant agrees that notice
26 of any additional proceeding, or an order relating to the imposition of an administrative
27 citation penalty, shall be received and accepted by the appellant by first class mail.

28 (D) The notice of appeal must be signed and dated by the

1 appellant.

2 (5) Administrative Hearing. The resolution of an appeal of an
3 administrative citation issued under the authority of this Section shall be by an
4 administrative hearing conducted according to the procedures set forth in this Section.
5 The provisions of this Code at Title 1: Government and Administration, Division 2:
6 Departments, Offices, Commissions, Chapter 27: Administrative Hearings; County
7 Hearing Officer, shall not apply. Upon the issuing County Department's designated
8 processing agent's receipt of a timely, written notice of appeal from the appellant, an
9 administrative hearing shall be held as follows:

10 (A) Hearing Date. The date of the hearing shall be set for a date
11 that is no later than 60 days from the date the notice of appeal is received by the issuing
12 County Department's processing agent, unless otherwise stayed by the timely
13 submission of an advance deposit hardship waiver, as indicated above.

14 (B) Notice of Hearing. Notice of the administrative hearing shall
15 be given to the appellant at least ten calendar days before the hearing. The notice may
16 be delivered to the appellant or mailed by first class mail to the address listed in the
17 notice of appeal. Neither personal service nor service by certified mail shall be
18 required.

19 (C) Hearing Officer. The administrative hearing shall be held
20 before the Director of the issuing County Department or his or her designee. The
21 hearing officer shall not be the Enforcement Officer who issued the administrative
22 citation or their immediate supervisor. The Director of the issuing County Department,
23 through the County's contracting process, may contract with a qualified provider for
24 administrative processing and collection services to provide hearing officers to conduct
25 administrative hearings and process administrative citations, including the collection of
26 payments of administrative citation penalties, administrative costs, and late charges.

27 The Board of Supervisors finds that contracting with a qualified
28 provider for administrative hearing officers as set forth in this Section is equivalent to the

1 establishment of an office of County hearing officer as provided for and for the purpose
2 intended by Government Code section 25845(i). The Board of Supervisors further finds
3 that the decision of the hearing officer so appointed shall be deemed a recommendation
4 adopted by the Board of Supervisors without further notice, and shall be deemed
5 equivalent to and for the purpose intended by Government Code section 25845(h).

6 (D) Conduct of the Hearing.

7 (I) The Enforcement Officer who issued the
8 administrative citation shall not be required to participate in the administrative hearing.
9 The contents of the Enforcement Officer's case file shall be admitted as prima facie
10 evidence of the facts stated therein. The hearing officer shall not be limited by the
11 technical or formal rules of evidence. The issuing County Department shall bear the
12 burden of proof at the administrative hearing to establish the existence of a violation of
13 this Code by a preponderance of the evidence. The hearing officer shall have the
14 discretion to exclude evidence if its probative value is substantially outweighed by the
15 probability that its admission will cause an undue consumption of time. The
16 Enforcement Officer establishing or confirming the occurrence or existence of a violation
17 of this Code shall be deemed the complaining or reporting party. Personal or other
18 identifying information regarding any other reporting party shall be deemed both
19 irrelevant and subject to the federal and state constitutional rights of privacy; and,
20 therefore, shall not be subject to review or disclosure.

21 (II) Provided that proper notice of the administrative
22 hearing has been served as required by this or other applicable chapters of this Code,
23 an appellant who fails to appear at the administrative hearing shall be deemed to have
24 waived each of the following: the right to such hearing, the adjudication of issues
25 presented at the hearing, and any and all rights afforded to the appellant under this
26 Code. The appellant shall also be deemed to have failed to exhaust their administrative
27 remedies.

28 (III) Notwithstanding Subsection (f)(5)(D)(II) above, if the

1 appellant fails to appear at the administrative hearing, the hearing officer shall make
2 their determination based on the information contained in the Enforcement Officer's
3 case file and the appellant's notice of appeal.

4 (IV) The only evidence that shall be permitted at the
5 administrative hearing and considered by the administrative hearing officer in reaching a
6 decision, is that evidence which is relevant to the proof or disproof of:

7 (i) Ownership of the subject property, when
8 applicable;

9 (ii) Whether a person noticed by the issuing
10 County Department as a responsible party is, in fact, a responsible party;

11 (iii) Whether a violation of this Code occurred
12 and/or continues to occur on the date or dates specified in the administrative citation;

13 (iv) Whether the responsible party has committed,
14 caused, maintained, or permitted a violation of this Code on the date or dates specified
15 on the administrative citation.

16 (v) The County's administrative costs.

17 (g) *Hearing Officer's Ruling.*

18 (1) After considering all the testimony and evidence submitted at the
19 hearing, the hearing officer shall take the matter under submission. The hearing officer
20 shall within a reasonable time issue a written ruling ("Administrative Citation Appeal
21 Ruling" or "Ruling") to uphold or cancel the administrative citation, as to each violation,
22 and shall list in the ruling the reasons for that decision.

23 (2) If the hearing officer determines that the administrative citation
24 should be upheld, then the amount of the penalties set forth in the citation shall not be
25 reduced or waived for any reason. As to an administrative citation listing multiple
26 violations, the amount of penalties for the violations so upheld shall not be reduced or
27 waived for any reason. This subsection (g) shall not apply to "warning only"
28 administrative citations or to any administrative citation that indicates on its face that the

1 penalty will be waived if the violation is corrected by the deadline compliance date and
2 the violation is so corrected.

3 (3) If the hearing officer cancels the administrative citation, then no
4 penalty shall be assessed and any penalty otherwise deposited with the issuing County
5 Department, or its designated processing/collection agent, shall be promptly refunded to
6 the appellant. As to an administrative citation listing multiple violations, then no
7 penalties shall be assessed for the specific violations so cancelled and the amounts of
8 such penalties otherwise deposited with the issuing County Department, or its
9 designated processing/collection agent, shall be promptly refunded to the appellant.

10 (4) The appellant shall be served with a copy of the ruling by first class
11 mail within a reasonable time. The ruling shall become final on the date of mailing.

12 (5) The ruling shall contain instructions for obtaining judicial review of
13 the decision pursuant to California Government Code § 53069.4, as that section may be
14 from time to time amended, or the successor provision thereto.

15 (6) If the administrative citation is upheld, the Hearing Officer shall also
16 award the County its administrative costs. An itemized summary of these costs shall be
17 presented at the hearing.

18 (h) *Judicial Review of Administrative Hearing Officer's Ruling.*

19 (1) Notice of Appeal. Within 20 calendar days of the date of the
20 delivery or mailing of the ruling to the appellant, the appellant (hereinafter "contestant")
21 may contest that decision by filing an appeal to be heard by the Superior Court, and
22 paying to the court clerk the filing fee set forth at Government Code section 53069.4, or
23 the successor provision thereto. The failure to file the written appeal and to pay the
24 filing fee within this period shall constitute a waiver of the right to an appeal and the
25 ruling shall be deemed confirmed. The contestant shall serve a copy of the notice of
26 appeal in person or by first class mail upon the County Department that had issued the
27 original administrative citation.

28 (2) Conduct of the Superior Court Appeal Hearing. The conduct of the

1 appeal before the Superior Court is a subordinate judicial duty and may be performed
2 by traffic trial commissioners and other subordinate judicial officers at the direction of
3 the presiding judge at the Superior Court. The appeal shall be heard de novo, except
4 that the contents of the issuing County Department's file in the case shall be received in
5 evidence. A copy of the document or instrument of the issuing County Department
6 providing notice of the violation and imposition of the administrative penalty (i.e., the
7 administrative citation) shall be admitted into evidence as prima facie evidence of the
8 facts stated therein. The Court shall request that the issuing Department's file in the
9 case be forwarded to the Court, to be received within 15 calendar days of the request.

10 (3) Judgment. The Court shall retain the filing fee regardless of the
11 outcome of the appeal. If the Court finds in favor of the contestant, the amount of the
12 fee shall be reimbursed to the contestant by the issuing County Department. Any
13 deposit of the administrative penalty shall be refunded by the issuing County
14 Department in accordance with the judgment of the Court. If the administrative penalty
15 has not been deposited and the decision of the Court is against the contestant and in
16 favor of the issuing County Department, the issuing County Department may proceed to
17 collect the penalty and administrative costs pursuant to the procedures set forth in this
18 Code, or in any other manner provided by law.

19 **11.0209 Abatement.**

20 To the extent the nuisance conditions stated in a written order are not completely
21 corrected by the responsible party having charge of the property, and/or the responsible
22 party is otherwise determined to be non-responsive to the written order issued pursuant
23 to Section 11.0205, and to the extent that no timely appeal of the written order is
24 requested, or the administrative appeal process has been completely exhausted, the
25 enforcement officer or his or her designee may cause the nuisance conditions to be
26 abated by County staff or pursuant to a public or private contract in any reasonable
27 manner and enter the property for such purpose. Upon request of the enforcement
28 officer or his or her designee, other County departments shall cooperate fully and shall

render all reasonable assistance in abating any such nuisance conditions.

11.0210 Summary Abatements.

Notwithstanding the administrative procedures for abating a nuisance pursuant to this Chapter, the County may summarily abate a public nuisance if the enforcement officer determines the nuisance constitutes an immediate threat to public health and safety. If immediate action becomes necessary, the enforcement officer may summarily abate a public nuisance even though the enforcement officer initiated an administrative proceeding under this Chapter.

11.0211 Filing and Recording of Notices.

(a) *Recording a Notice of Action.* Whenever an enforcement action is initiated, including when a written order is issued pursuant to Section 11.0205, and prior to recording a notice of pendency, the Code Enforcement Division or other County Department initiating the action may record with the County Recorder a notice of action identifying the enforcement action taken for violation of the County Code or other applicable law. The notice of action shall be served by certified mail return receipt requested and first class mail to the address shown on the current assessment roll and addressed to any other person known to be in possession of the property at the street address of the property where the nuisance exists. The notice of action shall state:

- (1) That the County is the agency on whose behalf the notice of action is filed.
- (2) The date of the written order.
- (3) The street address of the property, if available.
- (4) The legal description of the property.
- (5) The assessor's parcel number of the property.
- (6) That nuisance conditions exist on the property.
- (7) The name and address of the owner of the property, if known.
- (8) The amount of any costs incurred to date by the County in abating or restraining the nuisance conditions.

1 (9) The amount of any administrative citations issued to date as a
2 result of the nuisance conditions on the subject parcel.

3 (10) That the costs of abatement and/or the amounts of administrative
4 citations or penalties only reflect the costs of abatement and the amount accrued as of
5 the date of the notice of action, and that the amount shown may increase over time
6 and/or until such time as abatement is complete and all costs and the amounts of
7 administrative citations or penalties have been paid in full to San Bernardino County.

8 (11) That unpaid abatement costs or administrative citations may be
9 specially assessed and that such special assessment is not subject to extinguishment
10 by the sale or foreclosure of the property or by sale of the property for unpaid property
11 taxes.

12 (12) That the notice of action shall not be removed until the violations
13 are abated and all costs incurred by the County are recovered, and any criminal fines or
14 administrative citations have been paid.

15 (b) *Recording of a Notice of Pendency.* Whenever the County institutes a
16 judicial action or proceeding to enforce the San Bernardino County Code, a notice of
17 pendency of the action or proceeding may be recorded in the County Recorder's Office.
18 The notice may be recorded at the time of the commencement of the action or
19 proceeding, and upon recordation of the notice as provided in this Section, shall have
20 the same effect as a notice recorded in compliance with section 405.20 of the Code of
21 Civil Procedure.

22 (1) The County Recorder shall record and index the notice of pendency
23 of action or proceeding in the Grantor/Grantee Index.

24 (2) Any notice of pendency of action or proceeding filed in compliance
25 with this Section may, upon motion of a party to the action or proceeding, be vacated
26 upon an appropriate showing of need therefor by an order of a judge of the Court in
27 which the action or proceeding is pending.

28 **11.0212 Costs Incurred for Abatement.**

1 Any person, whether acting as a principal, agent, employee, owner, lessor,
2 lessee, landlord, tenant, occupant, operator or contractor, or otherwise, violating any
3 provision of the County Code or the rules, regulations, orders, permits or conditions of
4 approval issued thereunder, shall be liable to the County for all costs of abatement
5 incurred by the County, including, but not limited to, administrative costs, and any and
6 all costs incurred in the physical abatement of the nuisance, and any damages suffered
7 by the County, its agents or agencies, as a result of such violations. In accordance with
8 Government Code section 25845(b), administrative and abatement costs incurred by
9 the County for abating a nuisance or public nuisance under this chapter shall be
10 collected in the following manner:

11 (a) *Account of expense, filing of report.* An itemized account shall be kept of
12 the expenses incurred by the County in the abatement, restraint, or prevention of any
13 nuisances or public nuisances. Upon the completion of the abatement or the work
14 associated with the prevention or restraint of the violations of the County Code, the
15 appropriate County staff member shall prepare a report specifying the work done, with
16 itemized and total costs of the work, and description of the real property upon which the
17 nuisances or public nuisances is or was located.

18 (b) *Invoicing and notice.* Except in cases of extreme financial hardship and
19 upon advice of County Counsel, the responsible County department shall seek to
20 recover all costs incurred by the County referenced in subsection (a) from the
21 responsible party. To do this an invoice shall be mailed as set forth in Section
22 11.0205(c). In addition to stating the amount owed to the County by the responsible
23 party, the invoice shall state that if the invoice is not paid by the responsible party that
24 the County may order the amount of the invoice to be placed as a special assessment
25 against the parcel and/or cause a notice of lien to be filed against the parcel. The
26 invoice shall also advise the responsible party of their right to appeal the invoice or the
27 amount of the invoice. If the responsible party does not request an appeal, or fails the
28 appeal, and the invoice is not paid within the time set forth by the notice, the responsible

County department may seek approval of the special assessment from the Board of Supervisors as a consent calendar item which shall also be recorded on title as a notice of abatement lien.

(c) *Appeal of the invoice/notice of cost assessment.* Any appeal of the County's invoice or notice of cost assessment shall comply with the procedures listed in Sections 11.0205(e)(1) and 11.0208(f). If the appeal of the invoice/notice of cost assessment concerns abatement costs for summary abatements initiated pursuant to Section 11.0210, and the appealing party so requests in the notice of appeal, then the hearing officer shall also determine whether the public nuisance actually existed at the time of abatement.

(d) *Resolution and assessment.* If in an appeal the hearing officer determines that the property should be assessed, and the amount to be assessed has not been paid within 20 days of the date the decision is mailed to the appellant, the County shall cause the same to be recorded on the assessment roll. The assessment shall be collected at the same time and in the same manner as ordinary taxes within the San Bernardino County are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to the special assessment. Notices or instruments relating to the abatement proceeding or special assessment may be recorded with the County Recorder.

11.0213 Collection of Unpaid Administrative Citations, Administrative Citations for Continuing Violations, and Administrative and Abatement Costs.

(a) Administrative citations for continuing violations may be issued for the existence of violations of a continuing nature accruing each and every day after issuance of a prior notice to the responsible party in the form of a written order, notice of violation, a notice and order, or an administrative citation (hereafter "notice") to correct the violation, so long as the violation remains in existence.

(b) The County may collect any past due administrative citation penalties,

1 administrative and abatement costs, and late payment charges as imposed or, as set
2 forth in a final decision of a hearing officer or judgment of the Superior Court (arising
3 from judicial review of a hearing officer's decision), and all costs of collection associated
4 therewith, in any manner provided by law including, but not limited to, the methods
5 described in California Government Code section 25845. At its discretion, the County
6 may place a special assessment on the County tax roll against the parcel of real
7 property where the violation(s) occurred. Thereafter the amount of the assessment shall
8 be collected at the same time and in the same manner as County taxes are collected,
9 and be subject to the same penalties. On property for which no property tax is currently
10 due, the lien shall be collected at the same time taxes on the property are collected, and
11 in a similar manner.

12 (c) In its sole discretion, in the event the County collects past due amounts
13 through placement of a special assessment on the County tax roll, the County may
14 record a notice of lien with the County Recorder, describing the parcel of real property
15 affected and the amount of the administrative citation penalties, administrative and
16 abatement costs, late payment charges, and/or costs associated with the recording of
17 the notice of lien and perfecting the special assessment.

18 (d) All administrative citation penalties collected pursuant to these provisions
19 shall be deposited into specific funds maintained by or on behalf of the respective
20 issuing department for the purpose of funding its enforcement of the County Code.

21 **11.0214 Treble Damages.**

22 Upon a second or subsequent civil or criminal judgment for a violation of this
23 Code within a two-year period the violator shall be liable to the County for treble the
24 abatement costs, in accordance with Government Code section 25845.5.

25
26 SECTION 4. The Board declares that it would have adopted this Ordinance and
27 each section, subsection, sentence, clause, phrase, or portion of it irrespective of the
28 fact that any one or more sections, subsections, clauses, phrases or portions of it be

1 declared invalid and unconstitutional. If for any reason any portion of this Ordinance is
2 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
3 enforceable.

4
5 SECTION 5. This ordinance shall take effect thirty (30) days from the date of
6 adoption.

7
8
9

CURT HAGMAN, Chairman
Board of Supervisors

10
11 SIGNED AND CERTIFIED THAT A COPY
12 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

13 LYNNA MONELL, Clerk of the
14 Board of Supervisors

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors
6 of said County and State, held on the _____ day of _____, 2021, at which
7 meeting were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
9 to wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this ____ day of _____, 2021.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 STEVEN O'NEILL
23 Interim County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____
28